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CULTIVATING COMPASSION

Humanizing Legal
Rhetoric Through
Dance
Performance



A Political Science Honor Thesis

BY BRYNN BODAIR
ADVISED BY DR. JANIE STECKENRIDER
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Cultivating Compassion

Humanizing the Legal Rhetoric of U.S. Supreme Court Case Frontiero v. Richardson through Dance Performance

Abstract

Taking an interdisciplinary approach, this research asks: can dance serve as a connective force that transcends beyond the legal writing of this case to offer a holistic model of legal communication? This project will result in a full-length performance divided into three sections that energetically reconstruct the three part test discussed in the Supreme Court case Frontiero v. Richardson, which struck down a statute that commanded dissimilar treatment for men and women similarly situated and tested historical oppression, political powerlessness and immutability in relation to gender. Dance will serve as a second form of communication, igniting empathetic feelings for those, like the transgender community, inherently impacted by the court's decision. Additionally, a written component will illustrate the documented movement research and artistic choices made in terms of lighting, costuming, and structure, as well as the choreographic tools, and themes of the work, that, in culmination, will assist the energetic reconstruction of the case. This research suggests that through viewing this movement in performance, the audience member may experience the emotional significance of this case through dance and, in conjunction, experience empathetic and compassionate feelings towards those persons affected by the ruling of Frontiero v. Richardson and its legal precedence.

Chapter One:

Interweaving Politics and Dance

This interdisciplinary study attempts to create a bridge between the fields of Political Science and Dance by posing the question: can dance serve as a connective force that transcends beyond the legal writing of this case to offer a holistic model of legal communication? This project resulted in a full-length modern dance performance divided into three sections that energetically reconstructed the three-part test established in the Supreme Court case Frontiero v. Richardson (1973), which struck down a statute that commanded dissimilar treatment for men and women similarly situated. This landmark court case specifically decided that benefits given by the United States military to the family of service members could not vary because of sex. This decision was made after examining the case of Sharron Frontiero, a lieutenant in the United States Air Force, who was denied a dependent's allowance for her husband based on a federal law that stated the wives of members of the military automatically became dependents while the husbands of female military members were not automatically accepted as dependents and had to provide proof that they were dependent for more than 50% of the total combined income to qualify. The court questioned whether this federal law that required dissimilar qualification criteria for male and female military spousal dependency unconstitutionally discriminated against women. In its ruling, the court applied a three-part test measuring historical oppression, political powerlessness and immutability to afford, like racial classification, special class status to sex-based classifications.

To unify the fields of Dance and Political Science, this research will produce dancing through movement research and create a performative work that reconstructs the three-part test

found in Frontiero v. Richardson. This project hopes to capture the essence of this case through an artistic medium that may be tangibly felt by an audience. This case is crucial, for, as society's understanding of gender further evolves, its precedence holds contemporary implications that affect these progressions in understanding gender identity, and potentially limit creating protections for those who do not fit the traditional model of gender. The first section of the full length performative work will, like the court's three-part test, interpret historical oppression. In doing so, the choreography will utilize movement to examine and explore the constrictions imposed upon women when confronted with the culture of oppression that grew in reaction to the notion of romantic paternalism. This sense of romantic paternalism formed the attitudes directed towards women that heightened the stereotypical gender characteristics they were assigned, and therefore limited the capabilities of women in the eyes of men. Furthermore, this project will energetically resemble the thoughts and inner emotions one may experience when reading this case and determining its implications. Thus, the dancing in the first section will focus on the restrictions that women were freed of, but also examine whether or not celebration over small victories, like the decision of Frontiero v. Richardson, is warranted given the continuing battle against societal and institutional forms of oppression directed towards women. Additionally, this dance will examine the remaining work that must be done in the continual fight for absolute gender equality.

Political powerlessness will be represented in the second section of the performative work by the re-creation of early political theorist Jean Jacques Rousseau's ideas of the public and private spheres that construct society in his work *The Social Contract*. This theory provides an underlying thought process behind the decision to exclude women from political participation.

Therefore, by dividing the stage into the two separate realms, the public and private spheres, and allowing the dancers to perform as beings coping with their predetermined societal positions, the audience may witness the frustrations and struggles that were brought about by the lack of representation women had in politics.

The third section of the dance performance will reflect the third portion of the three-part test discussed in Frontiero v. Richardson. Immutability, the third portion of the court's three-part test, will take a contemporary approach in its movement research by seeking out the current day implications this portion of the three part test holds. In doing so, it will look to a growing subset of the population that relates to gender issues: the transgender community. This decision to analyze the transgender community as a current population affected by the precedent set forth by Frontiero v. Richardson relies on the fact that in its historical context, this case analyzed gender through the three part test constructed by the court. At the time of the court's decision, however, gender was accepted in terms of a binary structure, meaning persons were categorized as either male or female. Yet, today the concept of gender is undergoing an evolution that questions the limitations of the binary. For this reason, the precedent set in applying the category of gender to this three part test excludes the transgender population that explores the concept of gender as more complex and nuanced than the traditional two category standard that has historically been accepted. This portion of the performative work will reconstruct the energetic implications of the case by analyzing theoretical writings on the transgender community that share common themes of identity, physical struggle and frustration, as well as political discouragement. In doing this, the movement of the piece hopes to embody these themes and portray the recent issues with the historical Frontiero v. Richardson decision. For, at the time of the decision, the court would

not have been able to imagine the evolving perceptions on gender and the strong presence of the transgender community in the U.S today. Nevertheless, the precedent of this case creates a barrier for the transgender community in gaining special class status, specifically because the last test of immutability inherently creates an impossible barrier for the transgender community. This is due to the foundational understanding of the transgender community that asserts one is able to identify with a gender that differs from their physical sex characteristics, and may change their physical sex characteristic to match their gender identification. However, since immutability asserts one is unable to be changed, the third part of the test opposes the basis of the transgender community. The dance movement will attempt to make the audience feel the tension that forms with this understanding of the legal precedence and its inability to assist an oppressed group, like the trans community. I have chosen solely the transgender community, rather than another oppressed group like the LGBTQ community that is also affected by the barriers set forth by the court's three-part test. This community is also unable to pass the test of immutability due to a similar issue, the fluidity of sexuality, and, thus, is unable to fit the traditional binary structure. I focus on the transgender community in this project because they are actively expanding the nation's understanding of gender, and Frontiero v. Richardson uses the three-part test based on gender. Thus, by choosing to examine the transgender community, this project keeps with the theme of gender rather than diving into the differing topic of sexuality.

Dance will serve as a form of communication, second to the formal legal rhetoric, igniting empathetic feelings for those, like the transgender community, inherently impacted by the court's decision. Additionally, this writing will illustrate the documented movement research and artistic choices made in terms of lighting, costuming, and structure, as well as the

choreographic tools, and themes of the work that, in culmination, will assist the energetic reconstruction of the case. This will be assisted by the in studio video recordings that will capture the process of the movement research and the interactions between the choreographer and seven dancers in terms of presenting the dancers with the legal understanding of the case, setting the choreography on their bodies, and coaching them through the aesthetic vision that this work requires. Moreover, this additional component will help provide a better understanding of the artistic process and decision-making techniques in regards to creating this form of choreographic work, as well as the movement qualities and elements of dance decidedly woven into the choreography to enhance the piece's aura. Ultimately, this research suggests that through viewing this movement in performance, the audience member may experience the emotional significance of this case through dance and, in return, experience empathetic and compassionate feelings towards those persons affected by the ruling of Frontiero v. Richardson and its legal precedence.

Literature Review

Using Dance as an Artistic Medium for Communication

Defining a concept as wide as dance is not appropriate, for to sum up this artform in a concise manner is difficult given that the perception of dance constantly changes throughout time and across cultures. The phenomenon that is dance is both too wide and complex to define its elaborate nature that binds it to complex social, economic, political and intellectual conditions¹.

¹ Chris Challis. (1985). Dance, Art and Education Betty Redfern. British Journal of Educational Studies, (1), 106.
<https://doi.org/10.2307/3121188>

For this reason, rather than seek out common components that all dance may include, one may look for instances of commonality in dances. The traits that may be found in all dances are as follows: human bodies, dynamic rhythm, space, style, visual setting, texture, sound, music and silence. However, dance is neither limited to nor requires all of these elements.² The National Core Arts Standards has identified dance movement as having five basic elements: body (parts of the body, initiation points, patterns, body shapes, body systems, and inner self), action (non-locomotor and locomotor), space (size, level, place, direction, orientation, pathways, and relationships), time (metered, free rhythm, clock time, and timing relationships), and energy (attack, weight, flow, quality).

The body will serve as the primary instrument for this research. The shapes, patterns and initiation points it may make with others or objects will incite different ideas within the viewer; therefore, this research must mindfully create these shapes and patterns so the audience can be guided through the intended experience. Space, as well as time, will play a large role in world building,³ (the process of creating a compact, fictional world that may influence society's determination of value and meaning in contemporary civilization), throughout this work. Creating different worlds on stage will transport the audience to the different time periods, or settings I place on stage, enhancing their experience by increasing the level of escapism. In dance, spacing has the ability to visibly imply oppression, isolation, community, and discomfort throughout the strategic placement of bodies in space. For example, one body placed separately

² Tholley, Ibrahim S., Qing Gang Meng, and Paul W.h. Chung. "Robot Dancing: What Makes a Dance?" *Advanced Materials Research* 403-408 (2011): 4901-909. doi:10.4028/www.scientific.net/amr.403-408.4901.

³ Boni, M. (2017). *World buildingVtransmedia, fans, industries*. Amsterdam : Amsterdam University Press, [2017]. Retrieved from <http://electra.lmu.edu:2048/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00322a&AN=linus.b3332722&site=eds-live&scope=site>

from a collective of bodies grouped together may easily communicate the idea of ostracism to the viewer. Timing also may be dutifully used to the advantage of the choreography to highlight moments of irony, or create a contrast between two individuals, using extremities to make a statement. An example of stage based irony would include a cheery upbeat song, or an exceptionally melodic, symphonic piece of music layered atop of excruciatingly slow choreography to implicate disdain, or struggle. The different forms of energy applied to any given movement will play an especially important role in this research, for the various energies applied to a physical state inherently can change the emotional response of both the dancer and viewer.⁴

These different forms of energy can assist in using dance as a tool for communication. Considering the tool for the artform of dance is the human body, it will best serve as the artistic medium that legal rhetoric is adapted to as it is the only artistic medium capable of direct interpersonal communication. One study presented in the *Journal of Nonverbal Behavior* showed that dance has specific characteristics that contribute to the viewers' perceptions of emotions being expressed through the dance movement. To do this, Nao Shikanai, Sawada Misako, and Ishii Motonobu developed an emotional model to measure the relationships between impressions and the characteristics of expressive body movements. The results concluded that the observers of the dancing could accurately perceive the emotional meanings intentionally expressed through the dancing.⁵ This study assists my research as it supports the idea that dance will be able to

⁴ National Core Arts Standards. "Faculty Directory." PERPICH, perpich.mn.gov/index.php?section=high-school_faculty-directory.

⁵ Shikanai, Nao¹, gr0053hp@ed.ritsumei.ac.jp, Misako² Sawada, and Motonobu³ Ishii. 2013. "Development of the Movements Impressions Emotions Model: Evaluation of Movements and Impressions Related to the Perception of Emotions in Dance." *Journal of Nonverbal Behavior* 37 (2): 107–21. doi:10.1007/s10919-013-0148-y.

successfully communicate with its audience. However, the drafting of this physical language is only made possible through skillful and thoughtful dance composition.

Dance as Composition

Dance composition utilizes the elements of dance, and like dance practice, may have a shifting definition depending upon factors such as time period and culture. Yet, in western dance, dance composition may be understood as a way to compose or write with movement. It is activity, typically but not necessarily physical, organized through choreography or improvisation.

⁶ Furthermore, in dance creation, there are a variety of tools used among all dance artists that may be used to generate and manipulate movement such as acceleration, diminution, transcription, retrograde, rippling, repetition, etc. These universal compositional tools may assist in the choreographer's dance compositions and may serve the dance work by highlighting particular elements or themes of the piece⁷.

Author Julian Reid finds this creative process of dance making to be grounded in the art of imagination. Dance makings that work to transform society by creating a moment of belief in the impossible are understood to have deep political roots. Reid asserts this power of dance in her work because it calls upon beholders to use their imaginations through the evocation of histories and memories, and may be used to speak to contemporary concerns in political practice.

⁶ Tholley, Ibrahim S., Qing Gang Meng, and Paul W.h. Chung. "Robot Dancing: What Makes a Dance?" *Advanced Materials Research* 403-408 (2011): 4901-909. doi:10.4028/www.scientific.net/amr.403-408.4901.

⁷ "The Movement Alphabet." *Language of Dance Centre - A Unique Approach to Exploring, Creating and Recording Dance and Movement - The Movement Alphabet*. Accessed November 07, 2018. <https://www.lodc.org/old-about-us/what-is-language-of-dance/the-movement-alphabet.html>.

It achieves this in its ability to transcend the simple task of inspiring physical movement among viewers, and to transform one's understanding of what the body is physically capable of, creates a connection between dance and the reawakening of the political imagination in times of crisis.⁸ This notion of inspiring the viewer through dance performance to expand their understanding of a particular politically charged topic is a means for dance to speak to contemporary concerns.⁹ This project will aim to instill this same inspiration, but will use a court case with contemporary implications to serve as the source material to more deeply delve into the viewer's understanding of legal phenomena by utilizing legal rhetoric as a source of invention in the movement research process.

Representative Dance Works

Cultivating Compassion, both the title of the performative dance work as well as the name of this overall project, will create a final dance performance that energetically reconstructs Frontiero v. Richardson. The final dance performance will accomplish its energetic reconstruction by reviewing the case literature, including the three-part test found in the court's discussion of this case. Using an artistic license, I will act as the choreographer and make artistic associations founded in history and political theory relative to the court's discussion of the case to achieve the desired energetic reconstruction. The research design and method explain this process in greater detail as they pair together research techniques from both disciplines, Dance and Political Science, to unite movement research with case analyses. The case analysis informs

⁸ Reid, Julian. "A Political Genealogy of Dance: The Choreographing of Life and Images." *Genealogy*, Vol 2, Iss 3, p 20 (2018), no. 3, 2018, p. 20. EBSCOhost, doi:10.3390/genealogy2030020.

⁹ Reid. "A Political Genealogy of Dance: The Choreographing of Life and Images." *Genealogy*, Vol 2, Iss 3, p 20

the movement research, as it plays a crucial role in all of the artistic decisions in terms of themes, music, chosen dance elements, and other components. in *Cultivating Compassion*. For this reason, those analyses will be conjoined with the movement research in the research portion of this project, rather than in the literature review.

In contrast to the intentions of *Cultivating Compassion*, many dance works have been performed with the intention of representing a social or political issue through movement. Dance as representation may be understood in four categories as discussed by Carol and Banes (1997). The first is unconditional representation which uses cultural codes to clue the audience to the referent. Next, lexical representation uses gesture to communicate the ideas of the artist. Thirdly, conditional specific representation requires some particular background information for the audience to fully understand the subject matter that dance aims to represent. Lastly, conditional specific representation outrightly informs the viewer of the meaning of the variables of the piece, (the dancers, costumes, lighting, etc.), so that the audience is not left to wonder about the choreographer's intention. The classical example of representational dance would be the story ballet in which a dancer represents a character and the ballet, in its entirety, has a clear narrative throughout the piece. Today, dance theorists have reached a general consensus that while dance can represent, it is not required to represent in any imitative manner.¹⁰ Dance that seeks to represent is the opposite intent of this research project. Often, those works have movement elements, costuming or casting choices that represent the source material in a literal manner, foregoing abstraction. *Cultivating Compassion* will rely on the abstraction of themes and an energetic, rather than literal reconstruction of its source material to produce the desired

¹⁰ Bresnahan, Aili. "The Philosophy of Dance." *Stanford Encyclopedia of Philosophy*. January 12, 2015. Accessed December 01, 2018. <https://plato.stanford.edu/entries/dance/#fiveone>.

performance outcome. Representative dance differs from the intention of the dancing in *Cultivating Compassion*. Furthermore, Author Sally Banes discusses the representative forces provided by post-modern choreography. This form of art making is sensitive and precarious, for the artists risk misrepresentation in their final productions. Additionally, dance is a field of art that is inherently gendered in its use of the body as its artistic instrument. When representing the female body through dance, choreographers have a tendency to overly victimize or overly celebrate the female form.¹¹ *Cultivating Compassion* will utilize an all female cast, as well as focus on the category of gender gaining special class status. For this reason, it is of the utmost importance that the dancers' bodies remain neutral vessels for an energetic resurgence of the themes linked to the chosen topic and case, rather than simply highlight the feminine forms of the dancers as the primary storytelling tool. So, the all-female cast is not meant to be representative, but rather a skilled collective of dancers through which the different forms of energy and performative tools may be used.

Looking at several well known choreographers experimenting in this genre of representative, politically inspired modern dance composition, in Western contemporary and modern dance, provides the following visual performance examples: A relatively young choreographer, Kyle Abraham is clearly politically minded in his work. However, while there is no current dance critique, of Abraham's work, speaking to the politically charged themes of race and his personal identity as a black man in America, there is clear visual evidence that provides a depiction of how his movement is inspired through the ongoing issues of race in this country. His

¹¹ Banes, Sally. 1998. *Dancing Women*. [Electronic Resource] VFemale Bodies on Stage. London ; New York : Routledge, 1998.

<http://electra.lmu.edu:2048/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=cat00322a&AN=linus.b1364298&site=eds-live&scope=site>.

work may be categorized as representational dance, for Abraham typically uses an entirely African American cast and clearly uses this to emphasize his personal experiences with racial tensions in his choreography. Cultivating Compassion differs from his work, for he uses personal identity and personal history to create his socially and politically relevant work, whereas Cultivating Compassion will use the legal rhetoric as an external, tangible source of inspiration.¹²

Differing from Abraham's work in terms of its scope, Sidra Bell's *Monster Inside* serves as a social commentary as it looks beyond personal experiences and identity to examine the outliers existing alongside their community. Sidra's work engages live audiences in the process of deconstructing social structures that create outsiders in society and view outsiders as those that live and operate outside of the norm. *Monster Inside* comments on nature and its relationship to the pursuit of technology. This relationship incites dissonance and detachment from humanity, as well as depicts themes of human alienation in technologically driven culture, isolation, youth culture, identity and gender politics, rage, and the search for intimacy and inclusivity in constantly shifting contemporary life.¹³ In total, "Monster Inside focuses on a general social commentary or snapshot, on the current day rather than one particular issue. Cultivating Compassion decidedly has a smaller scope, focusing on the singular issue of gender, than this particular work created by Sidra that observes and performs a variety of social critiques. Blanca Li's work *Robot* acts similarly to Sidra Bell's *Monster Inside* as she struggles with the theme of disconnect in the Internet Age, and looks towards resulting future social issues. She offers a visual representation of this by utilizing robotic props to create the futuristic world in which humans are interacting with robots. The robots dance among the cast, playing crucial roles in the

¹² "Work." A.I.M. Accessed November 07, 2018. <http://www.abrahaminmotion.org/>.

¹³ "MÖNSTER OUTSIDE (World Premiere in New Orleans)." Kickstarter. Accessed November 07, 2018. <https://www.kickstarter.com/projects/sidrabelldance/monster-outside-world-premiere-in-new-orleans>.

society built within the bounds of the stage. For example, a duet in which a dancer performs dependently alongside a robot may be used as an example of the human reliance on technology.¹⁴ Ultimately, this piece showcases a dystopian projection of the future based off of current societal conditions, representing an imagined future as a warning. Unlike *Cultivating Compassion*, it does not make use of legal rhetoric as a source of inspiration when generating movement. Legal rhetoric is often ignored as source material for dance, for legal writing could have influenced the creation of this work that examines the relationships between humans and their access to technology, as well as the potential role the leaders of societies play in limiting technology among the general public. *Cultivating Compassion* intends to make use of legal rhetoric in examining the social issue of gender discrimination by directly examining *Frontiero v. Richardson* as its primary source of inspiration for movement generation.

Energetically Reconstructive Dance Works

Moving further away from representative dance, other scholars use the term presentational to acknowledge dancers are individual human beings moving their own bodies. Langer writes that he believes that, in essence, dance is a virtual presentation of powers, in the sense that the art in dance is symbolic for feeling, or creating feeling as a reaction to the physical movement, rather than representing an emotion requested by the choreographer, or acting out the emotions of a character.¹⁵ Now, consider Stijn Cells, who made his work *Fragile Dwellings* in

¹⁴ Dent, Steve. "Blanca Li Dances with Robots to Better Understand Them." Engadget. July 17, 2017. Accessed November 07, 2018.

<https://www.engadget.com/2017/07/17/blanca-li-dances-with-robots-to-better-understand-them/>.

¹⁵ Bresnahan, Aili. "The Philosophy of Dance." Stanford Encyclopedia of Philosophy. January 12, 2015. Accessed December 01, 2018. <https://plato.stanford.edu/entries/dance/#fiveone>.

dedication to the homeless of LA. *Fragile Dwellings* differs from the other cited works in that it is a complete departure from the international choreographer's personal identity and does not classify as representative dance due to its abstract thematic extrapolation of the issue. When touching on the issue of homelessness, instead of attempting to literally represent the homeless or tell a story of homelessness, he focuses on the emotions that he imagines strike those living in this condition. To accomplish this, he focuses on themes of fragility and loneliness. He uses an ethereal, haunting score of music to accentuate the emotional nature of the piece, and creates another realm on stage highlighted by bright, white hung lights. Each artistic choice serves as a building block to effectively get his point across, and thus *Cultivating Compassion* reflects elements of his work in the project's aim to energetically structure the piece around an issue that is founded in legal doctrine, but differs in source material for *Fragile Dwellings* is inspired by a visible social issue.¹⁶ In another performance, Sidra Bell's work has been described as "atmospheric and spectacular." Her piece *ReVue* is an explosion of sexuality, gender politics, and darkly fantastical themes that, through performance, are pushing societal boundaries and eluding traditional expectations of dance. Sidra Bell's piece has a clear, theatrical way of proving it is boundary bending in relation to its challenge of gender roles. *ReVue* serves as interesting source material for this research project in terms of its design choices in costuming, lighting, theatrical performative elements and props. Still, *ReVue* differs, like *Stijn*, in the inspiration source material. Like *Stijn* explored an epidemic surrounding him, homelessness, Bill T. Jones explored a major crisis of his youth. *D-Man in the Waters*, a dance work created by Bill T. Jones, used dance performance as a means to discuss the issue of Aids, at the height of the Aids epidemic, in

¹⁶ "Fragile Dwellings." BODYTRAFFIC. Accessed November 07, 2018.
<http://bodytraffic.com/repertory/fragile-dwellings/>.

a personal and representative manner. While differing from the Cultivating Compassion in the fact that it the choreographic material was inspired through a lived experience of the choreographer, and therefore potentially definable as representative dance, D-Man in the Waters speaks through a sense of energetic reconstruction. This is due to the fact that the movement in D-Man in the Waters is energetically representing the social political issue, rather than attempting to depict the issue through dance.¹⁷ So, while this particular piece of Jones' work generates material in a manner that may be useful in opening the viewer's mind and emotional capacity in relation to the piece's topic, Cultivating Compassion differs from the choreographic project D-Man in the Waters in that it speaks to a current social issue of its time, rather than specific legal text.

The urban, Latin dance-theatre company "Contratiempo" works similarly, in that it is utilizing dance and creative abstraction to create politically astute work that looks to the current issues that are affecting communities represented by its company members.¹⁸ Once again, this supports the fact no choreographer has attempted to delve into the legal root of the issue they choose to explore, (whether that be technology, immigration, race, etc.), communicating the constitutional foundations of a political topic. This is important for it shows there is an area less explored in dance composition, revealing a gap in performative works. Bill T. Jones' work *Fondly Do We Hope . . . Fervently Do We Pray* meant to honor political figure Abraham Lincoln. However, some critics asserted this work failed its attempt to show how civil rights issues dealt

¹⁷ "Homepage." New York Live Arts. Accessed November 07, 2018.
<http://newyorklivearts.org/download/engage-licensing-baldwin-on-DMan>.

¹⁸ "CONTRA-TIEMPO." CONTRA-TIEMPO | Urban Latin Dance Theater. Accessed November 07, 2018.
<http://www.contra-tiempo.org/>.

with during Lincoln's time are relevant to today's political and cultural conversations.¹⁹ Cultivating Compassion is similarly aiming, in choosing Frontiero v. Richardson as its source material to provide a sense of historical importance and contemporary relevance by using an analysis of the case to provide creative inspirations.

Cultivating Compassion will fill the gap in the genre of performative dance by directly utilizing the legal rhetoric in the discussion of Frontiero v. Richardson, a case with both historical impact and contemporary social implications. This case will serve as the source of inspiration for material generation, through the process of movement research, as well as the final performative decisions. In terms of the former process, movement research will utilize the case by artistically connecting legal and political theories to the three part test it presents in the court's discussion of the case.

Research Design

Research Methodology:

Unit of Analysis: United States Supreme Court Cases

Population: All SCOTUS Decisions

Sample: Frontiero v. Richardson

Case: The Three Part Test Administered by the Plurality in the Discussion of the Case

Observation: Energetic Components

¹⁹ "Bill Jones's Choreographed Homage to Lincoln Doesn't Reach Full Potential." The Washington Post. February 26, 2011. Accessed November 07, 2018.
<http://www.washingtonpost.com/wp-dyn/content/article/2011/02/25/AR2011022506358.html?noredirect=on>.

Possible Table: The three part test, (history of oppression, history of political powerlessness, immutability) vs. The elements of dance, (Body, Action, Time, Space, and Energy)

The method of this research will combine research techniques from both the Political Science and Dance disciplines to answer the question of whether or not dance can serve as a connective force that transcends the legal writing of this case to offer a holistic model of legal communication. It will provide a single case study textual analysis of Frontiero v. Richardson with movement research to create the final performance, Cultivating Compassion. This research will use dance as its artistic medium since dance is a physical art that, through its raw, expressive nature, provides the most relatable human experience for the viewer by using a universal commonality, the human body, as an instrument, or tool, for movement investigation.

Following a textual analysis of the United States Supreme Court case, the research will investigate the energetic reactions, or conscious flow of ideas, reoccurring themes, and feelings, that arise when reading the three-part test of the court. In doing so, the focus is the historical oppression of women, the political oppression of women, and immutability to allot suspect class status to gender, or, more specifically in this case, to women. Those associations that occur within the artistic mind when composing dance, and the reading of this case to produce the conclusive show, Cultivating Compassion will be documented both in this paper, as well as in a series of in-studio video recordings and on stage in performance. The movement research will use the human body as an investigative tool to explore those ideas, themes, and feelings that arose when exploring the three-part test. The movement research will occur in a dance studio,

examining and reproducing the thematic energy of this research, the three-part test administered by the court in, Frontiero v. Richardson.

The case in discussion, Frontiero v. Richardson, is essential in this project for it is a historical United States Supreme Court Case that has a jurisprudence with contemporary relevance. This case related to gender and examined discrimination towards women. However, at the time this case was decided, society accepted a binary structure of gender. The traditional binary structure presents persons with two rigidly fixed options: male and female. Today, the concept of gender is evolving into a spectrum that transcends beyond classifying one's gender by examining anatomical sex organs to consider one's gender identity and expression. However, as this expansion of society's understanding of gender occurs, the precedent crafted by the three-part test applied to gender in Frontiero v. Richardson remains unchanged. Thus this case is crucial, for it provides the possibility to recreate the themes and motifs extrapolated from the historic legal rhetoric of the case and artistically communicate the current struggle that exists between the transgender community and this test that guarantees special class status, for the test of immutability inherently conflicts with the nature of the transgender community.

Taking an artistic license to make artistic association between each portion of the three-part test, initial themes for the movement research include: the notion of romantic paternalism as it relates to the historical oppression of women, Rousseau's Social Contract theory that divides society into the private and public realms to form the political oppression of women, and an investigation of the shared themes in trans-theory as they conflict with the test of immutability. Again, the importance of this specific case is understood through the contemporary application of the three-part test to the concept of gender as it is understood today. Currently, there is an

abundance of trans theory that was not present at the time Frontiero v. Richardson was decided. This will allow for an understanding of the discrimination this community faces in relation to their gender identification. The energetic components used in this artistic reconstruction will be drawn from the dance industry's standard, the National Core Arts Standards Elements of Dance Chart, which notes dance as having five basic elements: body, action, space, time, energy, the choreographic tools utilized throughout the creative process, and all other artistic decisions, (lighting, costuming, etc.) that will culminate in the resulting performance.

The structure of this project, then, will be as follows: Chapter 1 will introduce the prospects of using dance as an alternate artistic means of communicating legal case rhetoric, as well as provide a literature review that will note past attempts at this form of dance making, as well as some dance making that is categorized as representative dance, and therefore is in opposition to this project's goal. This dissimilarity arises in the fact that while representative dance may share the similar intended goal as this research's dance creation, (i.e. a social awareness of a social or political issue), it differs from an energetically reconstructive process in its movement research and final product. This is due to the fact representative dance tends to take a more literal approach when presenting the subject matter of the dancework to the audience throughout the use of sound score, cast, costuming, etc., while the process of energetic re-construction will utilize movement overlapped with a variety of energy types, (for example the Laban Notation System notes the different forms of energy in movement as flowing, internal, bound, direct), to place the dancer's body in a physical state that will incite an emotion both within their self and the audience. This movement research proposes exploration into inducing feeling through the body's physical state. This will be more effective and aesthetically cohesive

for this project, for the physical states, extrapolated from themes in the research, will incite emotion within the body. This will replace the performative process of having the dancer perform a chosen emotion that has been layered atop the desired movement. Additionally, this process of instilling feeling, and therefore performance qualities within the dancers, will reiterate this research's deviation from representative dance.

Chapter 2 will then provide an analysis of the research sample, Frontiero v. Richardson. Then, rather than follow the plaintiff of the case, Sharron Frontiero, as representative dance might, or explore the story told in the courtroom, this research will look to the court's discussion as a means for understanding and inspiration. This writing will analyze the three-part test, found within the court's discussion, that examines history of oppression, history of political powerlessness, and immutability in relation to gender, considering, for the first time ever, four justices ruled in favor of policy classifying individuals based on gender is inherently suspect. Furthermore, the plurality opinion of the U.S. Supreme Court justices wrote that laws classifying on the basis of gender should be presumed unconstitutional and subjected to strict scrutiny. Further, the only exception to the level of scrutiny applied to gender would be the Court finding the specific law, given that it is narrowly tailored, provides the only means available, to serve a compelling government interest.²⁰ I, the researcher and artist of this project, will act as both political scientist and dance artist in this project. Taking this role into consideration, I have modeled the performance so that these three sections of the test artistically inspire connections to past societal notions of romantic paternalism, Jean Jacques Rousseau's social contract theory, and trans-theory, respectively.

²⁰ "The Supreme Court . Expanding Civil Rights . Landmark Cases | PBS." THIRTEEN - MEDIA WITH IMPACT. Accessed November 07, 2018. <https://www.thirteen.org/wnet/supremecourt/rights/landmark.html>.

Chapter 3 will discuss the movement research, in which the dance studio serves as a laboratory and the human body as an investigatory research tool, and art making process from the conception of the movement to the final on stage production of *Cultivating Compassion*, detailing how the movement was generated through reading the political texts and drawing themes and ideas that led to improvisation. Furthermore, this section will account for each movement of the performance and reveal whether the improvisation was done by myself and set as choreography later taught to the dancers, or if the reading inspired me to impose restrictions on the improvisations of my cast and set choreography that extrapolates ideas from these improvisation experiments. This will highlight the incorporation of the themes extrapolated from the components of each section of the three part test and the use of the Elements of Dance in reconstructing the desired energetic outcome.

To assist throughout the movement research, dance scholar Teresa Highland, who is an expert in dance notation and analyzation, will be consulted. She will be shown videos of the phrase work generated in the studio. Then without having any prior knowledge of the project, she will be asked to notate/analyze the movement in Laban Notation. Her notations documenting the visible elements of dance and qualities in use will be helpful in ensuring that the intended physical states are visible in the dancers' performances of the choreography. If the intended elements and qualities are present in the choreography, there will be a greater level of certainty that the final performance will be successful in creating the desired physical and emotional effects reflective of the legal rhetoric from which the movement was inspired.

This section will discuss not only the movement research process, but also the music research and the performative choices, such as coaching the dancers, lighting, and costuming.

The music research will be done in consultation with David Karagianis, a composer, sound designer, pianist, electronic musician, percussionist, and educator, who currently serves as the Music Director for the Dance program at Loyola Marymount University. He will play a vital part in crafting the score of this work and has extensive experience in doing so, for he has received the Lester Horton Award for Outstanding Achievement in Sound: Music/Sound/Text; over seventy of his scores for dance, concert, theatre, video and multimedia have been performed or screened throughout the United States, Europe and Asia; and he has worked as a sound designer and/or music director with numerous choreographers including UCLA Dance Company, as well as worked as an accompanist for Bill T. Jones, Alvin Ailey Dance Company, Martha Graham Company and many others.²¹ Production details will be teched by John Garofalo who has expertise in designing lighting, projections, and sound for theatre, dance, and opera. He is currently the resident lighting designer for two modern dance companies, Holly Johnston's Leds and Bones, and Chad Michael Hall's Multiplex Dance. He holds an MFA in design from UCLA and is a lecturer at both UCLA and Loyola Marymount University.²² Working alongside John, the lighting design will be inspired from a variety of painting, photographs, and historic settings. The lighting design will be the last artistic decision made in the process. Lighting holds great importance in the world building process, as it orchestrates a visual roadmap of the choreography for the audience. Thus, the music and lighting design will be addressed in this section as well, as they both are imperative in the aesthetics of the final conclusive performance.

²¹ Loyola Marymount University. (n.d.). David Karagianis. Retrieved from <https://cfa.lmu.edu/programs/dance/faculty/staff/davidkaragianis/>

²² Loyola Marymount University. (n.d.). Faculty. Retrieved from <https://cfa.lmu.edu/programs/dance/faculty/?expert=john.garofalo>

Lastly, the paper will conclude with final remarks on this project's bridging the fields of Dance and Political Science through using the creative process to reconstruct the legal diction of the case in a dance performance. This interdisciplinary connection is imperative. Combining dance, a medium that has the ability to expressively comment on the human condition in a tangible, relatable way, with legal rhetoric, a medium that bounds and affects the ways citizens navigate society, offers an inspiration source for the material generation and performance that may allow both communities to positively impact one another. Thus, this combination may help those persons affected by these fields be touched in a more significant manner.

Chapter 2:

A Discussion of Frontiero v. Richardson, and its Three Part Test, Through a Historical and Contemporary Lens as it Relates to History and Political Theory

Throughout this chapter, I will discuss the case, as well as the ways in which the court's three part test inspired the artistic associations that were developed and produced as a live theatre performance and complimentary short film. In Frontiero v. Richardson, the court ruled that a classification of benefits on the basis of gender violated the Constitution. The holding of this case extended beyond the level of scrutiny reasoned in Reed v. Reed (1971). Reed v. Reed served as the first instance in which women were granted equal protection under the Fourteenth Amendment (this extended, by law, equal protection to all citizens and addressed "due process"). Due process prevents citizens from being deprived of life, liberty, or property. This case involved an Idaho statute that violated the equal protection clause, for it specified that men must be preferred to females in the administration of estates. Using a rational basis test, the court found the statute unconstitutional, deeming that giving a mandatory preference to members of either sex over members of the other, without allowing for merit based hearing was unreasonable. The rational basis test provides a level of scrutiny that allows a law to discriminate by gender as long as the statute is reasonable and has some "fair and reasonable" relation to the legislation's goal. In this case, the court found that Idaho's statute gave preference to one sex over the other and, therefore, did not meet these requirements. The court struck down the statute, displaying the arbitrary legislative choices of the Equal Protection Clause of the Fourteenth Amendment.²³

²³ Chopper, Jesse H., et al. Constitutional Law: Cases, Comments, and Questions. 12th ed., West Academic Publishing, 2016. 1477-1479.

In Frontiero v. Richardson, a stricter level of scrutiny was applied. This began with Sharron Frontiero, a lieutenant in the U.S. Air Force, applying for armed service benefits for her husband under a congressional statute that stated "members of the uniformed services with dependents are entitled to an increased basic allowance for quarters" and "a member's dependents are provided comprehensive medical and dental care."²⁴ The statute also provided that if the dependant is "a husband," he must be dependent for more than half of his support to qualify. However, in cases in which the dependant was a female partner, the benefits were automatically applied irrespective of the partner's need for support. Frontiero's application for spousal support was denied after her application failed to demonstrate her husband's financial dependence. Frontiero first sued the Secretary of Defense in a federal district court, stating that the congressional statute discriminated against women in violation of the Constitution. Her argument claimed that female officers received less benefits than their male counterparts, and that unnecessary barriers were imposed on female officers applying for benefits. The district court found no violation and denied Frontiero's request. The case was then appealed to the U.S. Supreme Court.²⁵

The U.S. government argued that the statute was justified because an automatic conferral of benefits to female dependents is more cost effective, for females are for more likely to be dependent on males than males relying on females. In an 8-1 decision, the Supreme Court ruled that the statute was unconstitutional on the basis that it impermissibly discriminated against

²⁴ Chopper, Jesse H., et al. Constitutional Law: Cases, Comments, and Questions. 12th ed., West Academic Publishing, 2016. 1477-1479.; "The Supreme Court . Expanding Civil Rights . Landmark Cases . Frontiero v. Richardson (1973) | PBS." THIRTEEN. Accessed May 02, 2019. https://www.thirteen.org/wnet/supremecourt/rights/landmark_frontiero.html.

²⁵ Chopper, Jesse H., et al. Constitutional Law: Cases, Comments, and Questions. 12th ed., West Academic Publishing, 2016. 1477-1479.

women. A concurrence, including three judges and written by Justice Lewis Powell, deemed the statute unconstitutional, finding it irrational without employing a test of scrutiny. The majority wrote that “classifications based upon sex [are] inherently suspect and must therefore be subjected to close judicial scrutiny”.²⁶ Similarly, the plurality opinion, consisting of four of the justices and written by Justice William Brennan, ruled the statute unconstitutional. They decided this on the basis that gender is inherently suspect, and that laws classifying on the basis of gender should be considered unconstitutional and subjected to strict scrutiny, (the greatest level of constitutional protection for a designated group). Under this level of scrutiny, a law is declared unconstitutional unless the Court finds it provides the only means available, or is narrowly tailored, to serve a ‘compelling’ government interest. To pass the test of strict scrutiny the designated group, in this case the female gender, must have had a history of discrimination, political powerlessness, and be considered immutable.²⁷ For the visceral creation of this case, I decided to make use of the three part test embedded in the plurality decision to use a strict level of scrutiny. I felt the three bars of the test provided ample material for artistically inspiring associations to political theory, which could be used to energetically reconstruct this case in a non-literal fashion.

²⁶ Chopper, Jesse H., et al. *Constitutional Law: Cases, Comments, and Questions*. 12th ed., West Academic Publishing, 2016. 1477-1479.

²⁷ Chopper, Jesse H., et al. *Constitutional Law: Cases, Comments, and Questions*. 12th ed., West Academic Publishing, 2016. 1477-1479.; "The Supreme Court . Expanding Civil Rights . Landmark Cases . *Frontiero v. Richardson* (1973) | PBS." THIRTEEN. Accessed May 02, 2019.

Section One: The Test of Historical Oppression

In relation to the test of historical oppression the court wrote: “Our nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of ‘romantic paternalism’ which, in practical effect, put women not on a pedestal, but in a cage,” Frontiero v. Richardson, 411 U.S. 677 (1973). Romantic Paternalism is not a legal doctrine. Rather it is a belief based on the romantic notion that women are the weaker sex, unfit to partake in civil life, and, therefore, the law should provide them increased protections. These legal protections included a woman’s denial of economic rights, protective labor laws, and, in being deprived of equal opportunities in public life, subordination to her husband as leader of the household.²⁸ This ongoing historical oppression founded in sex discrimination, perpetuated by this traditional notion of “romantic paternalism” that fed the socialized constructs of gender norms and assisted in the creation of a strict, binary categorization of gendering. Due to this societal subscription to “romantic paternalism,” women were socially viewed as unfit for many occupations in the public sphere.²⁹ It was believed that women’s biological characteristics and reproductive roles rationalized their minimal employment opportunities, and founded the idea that women ought to be protected, and provided care by men. This design became so ingrained in the consciousness of society that in 1872, in Bradwell v. State the court wrote:

Man is, or should be, women’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the

²⁸ Flaherty, David, and Marjorie Heins. *Challenging Times: The Women's Movement in Canada and The United States*. Edited by Constance Backhouse. Quebec, Canada: McGill Queen's University Press, 1992. 226-228.

²⁹ The insinuation of women operating primarily in the private sphere, rather than the public, was addressed by early political theorist Jean-Jacque Rousseau in his writing, *On The Social Contract*; Bartlett, Katharine T., et al. *Gender and Law: Theory, Doctrine, Commentary*. Wolters Kluwer, 2017. 836-838.

occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood.³⁰

With this socialized understanding of gender ingrained in culture, gender discrimination coursed throughout America's history. When testing the constitutionality of classifications based on gender, before 1971, the Court used the deferential "traditional approach." For example, in 1908, the ruling of Miller v. Oregon upheld a law that prohibited female factory workers from working more than ten hours a day for the fact "as healthy mothers are essential to vigorous offspring, the physical well-being of a woman becomes an object of public interest and care."³¹ In Goesaert v. Cleary, (1948), a law that prohibited women from receiving a bartending license was upheld by the reasoning that the profession of bartending would inherently lead to social and moral issues for women unless the owner of the bar was a close relative who could ensure the woman's moral character would not be tainted. More recently, in 1961, the Court ruled in Hoyt v. Florida that women could only be placed on the jury list if a special request is made because the women's responsibilities are at home where she operates as the center of family life (1961).³² While this form of oppression is clearly displayed within legal cases like these, its presence remains traceable today as well. Psychology Women Quarterly recently published a study showing that this particular form of benevolent sexism, protective paternalism, is a currently ongoing issue in the romantic, as well as the work context. Examining five cases of gendered relationships in romantic and work settings, the researchers examined the actions and behaviors the male

³⁰ "BRADWELL v. THE STATE." LII / Legal Information Institute, www.law.cornell.edu/supremecourt/text/83/130.

³¹ Chopper, Jesse H., et al. Constitutional Law: Cases, Comments, and Questions. 12th ed., West Academic Publishing, 2016. 1477-1479.

³² Bodair, Brynn. Categorizing 'The Third Gender': An Analysis of the Classification of the Transgender Community as a 'Suspect Class' in the Legal System of The United States. Unpublished. May 2018.

participants felt were ‘prescribed.’ This study asserted the the prescription for the complexity of such behavior is dependent on a variety of contextual and individual barriers. Furthermore, this writing suggested that Romantic Paternalism may act as a factor in explaining how this form of sexism remains in gendered relationships and heightens the issue of female subordination.³³

This idea that Romantic Paternalism still plays an active role in fueling gender issues today inspired me to present this topic in a historical manner, setting the stage performance in the 1950’s with costuming and musical decisions. Still, to highlight the current relevance of this issue, I chose to use a movement vocabulary that would contrast the chosen time period and modernize the movement and performative aspects of Section One so that the viewers could better relate to the dance performance. I hoped that in blatantly seeing this artistic reconstruction, on stage, of the roots of a patriarchal, historical attitude, so seamlessly woven into the threads of past legal decisions, as well as current societal traditions would ignite the viewer into making artistic associations and reflections throughout the performance.

³³ Sarlet, Marie, Muriel Dumont, Nathalie Delacollette, and Benoit Dardenne. “Prescription of Protective Paternalism for Men in Romantic and Work Contexts.” *Psychology of Women Quarterly* 36, no. 4 (December 1, 2012): 444–57.
<https://electra.lmu.edu:2084/login.aspx?direct=true&db=eric&AN=EJ1004817&site=eds-live&scope=site>.

Section Two: The Test of Political Powerlessness

While crafting visuals to compliment this test, I was drawn to specific historical references of female, political powerlessness. As mentioned previously, in the court's plurality opinion written by Justice William Brennan, a level of strict scrutiny was applied to gender. This level of scrutiny had previously been applied to race and provides the greatest level of constitutional protection for the designated group. In examining political powerlessness in relation to race, the disenfranchisement of African Americans may be considered. Additionally, the disenfranchisement of this group is a commonality shared with the female gender.³⁴ Similarly, the position of women throughout the 19th century compared to that of blacks throughout the time of pre-civil war slave codes shows analogous situations, for neither group could hold public office, serve on juries, or bring suits in their own name³⁵. Also, while blacks were given the right to vote in 1870, women were denied this right until the Nineteenth Amendment was adopted nearly half a century later. Furthermore, historically, women who married were denied the legal capacity to serve as the sole legal guardian of their own children or own property. Despite the fact women have been given the opportunity to vote, and act separately of any male figures, they have faced discrimination in employment and educational opportunities, as well as in the political sphere due, in part, to "the high visibility of their sex characteristic."³⁶

³⁴ Chopper, Jesse H., et al. *Constitutional Law: Cases, Comments, and Questions*. 12th ed., West Academic Publishing, 2016. 1477-1479.

³⁵ Please note that this statement does not include those intersectional situations involving women of color who are discriminated against on the basis of both sex and race.

³⁶ Ibid.

Unable to vote until the 19th amendment to the Constitution granted women this right in August of 1920, women were also exiled from participating in civil society.³⁷ However, in representing this exclusion artistically, I was inspired by the concept of political theorist Jean Jacques Rousseau that gave a foundational explanation to this exclusion of women from civic participation. In Rousseau's writings, he proposes a potential pattern of events leading to the formation of society. He believes that at one point in time, a man claimed a piece of land and determined it his own; thus, marking the first instance of entering into a civil society. Furthermore, he believes that when men and women joined together as a family unit in private spaces, the sexes began to adopt different mannerisms and customs. For example, women became more sedentary and accustomed to staying in the homespace, while the men "rambled abroad in a quest of subsistence for the whole family."³⁸ Ultimately, as Rousseau discusses the origin of civil society, he only discusses the powers of men in the civic space, and limits women to a submissive role in conjugal society,³⁹ dividing the world into two realms, the public, (civic society), and the private (conjugal society).⁴⁰ This illustrates the ways in which women were already disadvantaged, for there was never a rational foundation built upon practical application for sexism. Society never decided on the issue of gender, but rather, the differences between the sexes were ingrained in society. Therefore, women have been robbed of this right of participation in non-conjugal society.⁴¹ Charlotte Perkins Gilman, however, had argued that it is impossible to

³⁷ The Center for American Women and Politics. Timeline of the Women's Suffrage Movement in the U.S. PDF. New Brunswick: Rutgers University, August 2014.

³⁸ Rousseau, Jean Jacques. A Discourse Upon The Origin And The Foundation Of The Inequality Among Mankind. February 17, 2014. Accessed April 2019. <http://www.gutenberg.org/cache/epub/11136/pg11136-images.html>.

³⁹ Ibid.

⁴⁰ Rousseau, Jean Jacques. On the Social Contract. Ed. & trans. by Donald A. Cress, Indianapolis/Cambridge, Hackett Publishing Company, 1987.

⁴¹ Mill, John Stuart. The Subjection of Women, 11. Mineola, New York: Dover Publications, Inc., 1869. Also, this references the idea of conjugal society that separates family and political society into two separate realms. This is presented by Rousseau in Chapter 7 of The Second Treatise of Government.

disassociate the conjugal and political societies, for the sex relation has been unnaturally perverted into an economic relation in which women are completely dependent on the opposite sex. Natural selection, allowing for the survival of a species, and sexual selection, allowing for reproduction, operate distinctly in the human race. Yet, in women, rather than working separately, these have become muddled together. The woman becomes reliant upon the male which, in turn, conditions men with the traits necessary for success.⁴² This unnatural relationship can be attributed to the morbid, excess development of sex distinctions that is injurious to the preservation of one's self and the human race. Throughout history, women and men required fitness; it was not until men enslaved women that their desire to develop survival characteristics faded, and she began to rely only on secondary sex characteristics in her male dominated economic world.⁴³ As Rousseau restricts women to the private world, he exiles the female sex from interacting in civic affairs. Another theorist of the Enlightenment Thinkers, John Locke, describes the private realm, where women reside, as being dominated by the opposite gender. In his writing, *The Second Treatise of Government*, Locke states:

... they, (husband and wife), will sometimes differ in what they want... The final decision on any practical question has to rest with someone, and it naturally falls to the man's share, because he is the abler and stronger of the two.⁴⁴

Locke goes further, naming man as the "master of the household," and describes the household as a combination of subordinate relations in which a man domestically rules his wife, children

⁴² Gilman, Charlotte Perkins. *Women and economics: a study of the economic relation between men and women as a factor in social evolution*, 5. New York, NY: Harper et Row, 1966.

⁴³ Gilman, Charlotte Perkins. *Women and economics: a study of the economic relation between men and women as a factor in social evolution*, 30-38. New York, NY: Harper et Row, 1966.

⁴⁴ Locke, John. *Second Treatise of Government*. January 2005. Accessed April 2019. <https://www.earlymoderntexts.com/assets/pdfs/locke1689a.pdf>.

and servants.⁴⁵ Thus, not only has woman been removed from participation in civic society, and therefore stripped of autonomous decision making, but she also is restricted from personal freedoms within the private realm.

Rousseau's philosophies, which were extremely influential on the intellectual thinkers of the 18th century, expose his views on women and the co-mingling of the sexes. In Rousseau's writing *Emile*, which divulges his views on the education of women, he reveals the educational preparations he has devised to ready women for their societal roles. His sentiments towards women largely informed the movement creation process discussed in Chapter Three. Here, Rousseau explains that natural observance of the relational dynamics between men and women:

In the union of the sexes, each alike contributes to the common end, though in different ways. From this diversity springs the first difference that may be observed between man and woman in their moral relations. One should be strong and active, the other weak and passive; one must necessarily have both the power and the will, it is sufficient for the other to offer little resistance.⁴⁶

He suggests 'one,' in referring to the man, is dominant while the 'other,' the woman, takes a submissive role in relation to her opposing sex. In this passage, he implies that the attributes of women are 'modesty' and 'timidity,' while her strength is evident in her abilities to 'charm' the opposite sex:

If woman is made to please and to be subjugated to man, she ought to make herself pleasing to him rather than to provoke him; her particular strength lies in her charms...

From this originates attack and defense, the boldness of one sex and the timidity of the

⁴⁵ Ibid.

⁴⁶ Rousseau, Jean Jacques. *Emile*. Translated by Barbara Foxley. September 26, 2011. Accessed April 15, 2019. <http://www.gutenberg.org/files/5427/5427-h/5427-h.htm>.

other and finally the modesty and shame with which nature has armed the weak for the conquest of the strong.⁴⁷

Rousseau's ideas on the proper role of women, to be pleasing to men, courses through his other remarks on the female gender. This shared dynamic of dominance and submission that Rousseau suggests occurs between the two sexes, prompts his proposal for the manner in which women should be educated. On this topic he writes:

Thus the whole education of women ought to be relative to men. To please them, to be useful to them, to make themselves loved and honored by them, to educate them when young, to care for them when grown, to council them, to console them, and to make life agreeable and sweet to them -- these are the duties of women at all times, and should be taught them from their infancy.⁴⁸

In warning, Rousseau remarks that any ideas on educating women that stray from his personal proposition could have negative effects on the female race, for he believes his categorization of women as the weaker sex to be founded in nature. His writing states:

To cultivate in women the qualities of the men and to neglect those that are their own is, then, obviously to work to their detriment. Believe me, judicious mother, do not make a good man of your daughter as though to give the lie to nature, but make of her a good woman, and be assured that she will be worth more to herself and to us.⁴⁹

This further illustrates his sentiments on the differing gender roles. He proclaims that educating women in those qualities which are born unto men is harmful not only to the individual female, but also society as a whole. Rousseau urges others to not deceive nature in an attempt to

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

masculate their daughters, but to subscribe to a curriculum that will promote his formerly stated female duties (to honor, educate, care for, console, and make life agreeable for men). Rousseau's perspectives on women inform the societal divisions he imposes. These passages describing his outlook on the education necessary for preparing young girls for life within society fueled the movement research and creative decisions discussed in the next chapter.

Section Three: The Test of Immutability

The Court discussed the standard of immutability last, writing:

Moreover, since sex, like race and national origin, is an immutable characteristic [the] imposition of special disabilities [would] seem to violate the basic concept of our system that legal burdens should bear some relationship to individual responsibility.⁵⁰

Additionally, sex differs from non-suspect statuses like intelligence and physical disability, for it does not hinder one's ability to contribute to society.⁵¹ Within the past ten years, the transgender community of the United States has significantly increased its visibility within public life.

Estimates suggest that 700,000 to 1.4 million adults in the United States identify as transgender. However, these numbers may be large underestimates, for transgender and non-binary identities are rarely measured.⁵² Those who identify as transgender, non-binary⁵³, or intersex, challenge the law's assumptions that a person is either male or female, and that sex designation at birth is permanent; thus, these groups transcend the binary classifications that function within the United States' current legal system.⁵⁴ Furthermore, when deciphering the transgender population's inability to change, a barrier is reached. Intrinsically, the transgender, non-binary, and intersex populations propose gender is a complex, fluid spectrum rather than a simple, binary form. This idea directly contradicts the Court's test of immutability that categorizes a group as either/or.

⁵⁰ Chopper, Jesse H., et al. *Constitutional Law: Cases, Comments, and Questions*. 12th ed., West Academic Publishing, 2016. 1477-1479.

⁵¹ *Ibid.*

⁵² Ho, Felicity, and Alexander J. Mussap. "The Gender Identity Scale: Adapting the Gender Unicorn to Measure Gender Identity." *Psychology of Sexual Orientation and Gender Diversity*, January 31, 2019. doi:10.1037/sgd0000322.

⁵³ This includes those who are neither exclusively male nor female, a combination of both genders, transitioning from one gender to the next, or simply ignorant of gender. Losty, Mairéad and John O'Connor. "Falling outside of the 'Nice Little Binary Box': A Psychoanalytic Exploration of the Non-Binary Gender Identity." *Psychoanalytic Psychotherapy*, vol. 32, no. 1, Jan. 2018, pp. 40-60. EBSCOhost, doi:10.1080/02668734.2017.1384933.

⁵⁴ Bodair, Brynn. *Categorizing 'The Third Gender': An Analysis of the Classification of the Transgender Community as a 'Suspect Class' in the Legal System of The United States*. Unpublished. May 2018. 1-4.

Meaning, this test opposes the current, growing landscape of gender that is pivotal in identification of the self.⁵⁵ Thus, until the legal system is able to reflect this group's deconstruction of gender categorizations and embrace the nuanced spectrum that is ever-changing, the immutability test will challenge the fluid structure through which one identifies their gender. Taking this into account, I decided to research ongoing issues within the transgender community to provide textual prompts for the movement research discussed in the next chapter.

As I studied the nuances of gender identification, I first chose the word 'identity' as a thematic device of this piece. The transgender community often faces legal issues in relation to their chosen gender identity. For example, in Logan v. Gary Community School Corp., a school dress code prohibited students from wearing clothing inconsistent with their biological sex assigned at birth. This affected a transgender, female student attending the prom, for when she arrived at the dance in a dress the school principal would not let her enter the event wearing clothing that matched her gender identity.⁵⁶ Beyond the educational atmosphere, transgender persons deal with discrimination in the workplace. A recent survey found that twenty-six percent of transgender persons lost their jobs because of their gender identities.⁵⁷ This is highlighted in cases, like Ulane v. Eastern Airlines (1985) and Schroer v. Billington (2007), in which transgender persons are fired or discriminated against in the workplace because of their

⁵⁵ Losty, Mairéad and John O'Connor. "Falling outside of the 'Nice Little Binary Box': A Psychoanalytic Exploration of the Non-Binary Gender Identity." *Psychoanalytic Psychotherapy*, vol. 32, no. 1, Jan. 2018, pp. 40-60. EBSCOhost, doi:10.1080/02668734.2017.1384933.

⁵⁶ Curtis, Aaron J. "CONFORMITY OR NONCONFORMITY? DESIGNING LEGAL REMEDIES TO PROTECT TRANSGENDER STUDENTS FROM DISCRIMINATION." *Harvard Journal on Legislation* 53.2 (2016): 459. ProQuest. Web. 13 Mar. 2018.

⁵⁷ Bender-Baird, Kyla. *Transgender Employment Experiences*. [Electronic Resource] : Gendered Perceptions and the Law. Albany : State University of New York Press, c2011., 2011. EBSCOhost, electra.lmu.edu:2048/login?url=<http://search.ebscohost.com/login.aspx?direct=true&db=cat00322a&AN=linus.b3161464&site=eds-live&scope=site>.

transgender status. In regards to the former, the plaintiff was fired not because she was a woman, but rather because she was a transsexual, which is an unprotected class. The latter case focused on an individual, highly skilled in her area of study, who's job offer was rescinded after telling her employer she would be transitioning and presenting as a female in the workplace.⁵⁸ While identifying as the gender opposite of your sex assigned at birth classifies transgender persons, the spectrum of identity has evolved further. In the last decade the Western world has seen an increase in the visibility of gender variant identities. The non-binary gender identity has emerged as an identifying characteristic, aiding those individuals who experience a gender identity that is neither exclusively female nor male, but is a combination of the two genders, landing between, or transcending beyond the spectrum. Thus, the identity of the non-binary gender person challenges the fixed biological conceptualisation of gender. Taking these writings into account, I honed in on the concept of identity when creating the performative work.⁵⁹

A study published by the Journal of Adolescent Health that examined the relationship between chosen name usage and mental health among transgender youth, prompted me to choose the word 'struggle' as an additional prompt and movement quality inspiration source for my movement research. This study drew from a community cohort sample of 129 transgender and gender nonconforming youth from three U.S. cities, the researchers examined the association between chosen name use, within four varied contexts, and suicidal ideation, depression and suicidal behaviors. The findings displayed the lowest levels of suicidal ideation, depression, and suicidal behaviors when chosen names were used. In conclusion, this research reported that for

⁵⁸ Ibid.

⁵⁹ Losty, Mairéad and John O'Connor. "Falling outside of the 'Nice Little Binary Box': A Psychoanalytic Exploration of the Non-Binary Gender Identity." *Psychoanalytic Psychotherapy*, vol. 32, no. 1, Jan. 2018, pp. 40-60. EBSCOhost, doi:10.1080/02668734.2017.1384933.

those transgender youth who have chosen a name that differs from their name given at birth, usage of their chosen name in varying contexts affirms their gender identity and reduces their personal struggles with mental health.⁶⁰ This study brought about a focus on the word struggle, for I was drawn to the consistent struggles this community has with depression, suicidal attempts, and suicidal behaviors when not validated in their chosen identities. Furthermore, while the acceptance of gender variance may be present within some communities, there are layers of society in which a struggle with the reality of such diversity is present.⁶¹ For this reason, I chose the word struggle as a prompt to be physically explored in the movement process.

Lastly, I decided to use “internal tension” and “miscoordination” as the final reoccurring themes of this dance work. In terms of thematically employing tension in the dance work, I took interest in the writing of Erickson, *Childhood and Society*, which discusses the mind as a singular concept that consists of the ego developing in relation to a person’s biology, psychology, and culture. He deciphers these factors as the driving forces of identity. He asserts that the contrasting opinions and differences that arise from these developmental agents create a sense of tension within the topic of identity, which is mirrored in the gender literature.⁶² While there is a communal sense of openness in regards to gender variance, there is a tendency to attribute gender variant presentations as reflections of negative parenting practices, trauma, attachment difficulties, and disruptions within a child’s ability to individuate from parents. This view, as well as the belief in a binary, fixed conceptualisation of gender, dominates theoretical understandings

⁶⁰ Russell, Stephen T., Amanda M. Pollitt, Gu Li, and Arnold H. Grossman. “Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth.” *Journal of Adolescent Health*, no. 4 (2018). doi:10.1016/j.jadohealth.2018.02.003.

⁶¹ Losty, Mairéad and John O'Connor. "Falling outside of the 'Nice Little Binary Box': A Psychoanalytic Exploration of the Non-Binary Gender Identity." *Psychoanalytic Psychotherapy*, vol. 32, no. 1, Jan. 2018, pp. 40-60. EBSCOhost, doi:10.1080/02668734.2017.1384933.

⁶² Erikson, Erik H. *Childhood and Society*. London: Vintage Digital, 2014.

of gender.⁶³ This may be, in part, the result of early psychoanalytic thinkers, like Freud, as well as the prevailing professional practices of the time, that did not recognize the fluidity of gender like contemporary psychoanalytic authors including Harris⁶⁴ and Kaufman.⁶⁵ Furthermore, these prevailing attitudes towards gender fluid persons oppose the idea that one inherently feels misassigned with their birth assigned gender and, thus, mismatched with their genitalia. This sense of internal opposition is heightened when these persons are misgendered, or forced to operate in a way that differs from their chosen gender identity. This misgendering occurs in the educational sphere often. For example, in Johnstown v. University of Pittsburgh, a district court upheld the University's decision to prohibit a transgender student from using the bathrooms and locker rooms consistent with his chosen identity, determining the the University's decision did not constitute discrimination by sex stereotyping. Presently, there is no comprehensive, remedial framework that protects transgender persons from discrimination and acknowledges their chosen identity. This heightens the feelings of opposition between the internal identity, and the external body.⁶⁶ Further, this idea of mismatching, or miscoordination, in relation to one's body fueled the movement research, as it ignited an internal, performance inspiration to assist in creating a tense movement quality and attention to the physical form.

⁶³ Losty, Mairéad and John O'Connor. "Falling outside of the 'Nice Little Binary Box': A Psychoanalytic Exploration of the Non-Binary Gender Identity." *Psychoanalytic Psychotherapy*, vol. 32, no. 1, Jan. 2018, pp. 40-60. EBSCOhost, doi:10.1080/02668734.2017.1384933.

⁶⁴ Harris, Adrienne. "Gender as Soft Assembly." 2012. doi:10.4324/9780203837849.

⁶⁵ Kaufman, R. "A World That Insists We Be One of the Other." *Gender and Psychoanalysis* 5 (2000): 383-89.

⁶⁶ Curtis, Aaron J. "CONFORMITY OR NONCONFORMITY? DESIGNING LEGAL REMEDIES TO PROTECT TRANSGENDER STUDENTS FROM DISCRIMINATION." *Harvard Journal on Legislation* 53.2 (2016): 459. ProQuest. Web. 13 Mar. 2018.

Chapter 3

Movement Research: An Exploration of the Three Part Test Discussed in Frontiero v. Richardson through the Elements of Dance and Artistically Licensed Performative Choices⁶⁷

In discussing the creative process, I will address each section separately. The test of the Historical Oppression of Women will be referred to as Section One, the movement that was informed by the Test of Political Powerlessness as Section Two, and the performative creation of the Test of Immutability will be called Section Three. First, I will discuss the given section's choreography. Then, I will consider the costuming choices, musical decisions, and, finally, the lighting design. Please note that while I directed all artistic choices of this project, the musical mixes and physical lighting mapping were executed by the previously mentioned professionals, David Karagianis and Johnny Garofalo. In addition to this, I will share the program that I created to be distributed to audience members, so that the level of communication offered between viewer and creator, prior to the performance, is noted. Finally, I will discuss the short film I produced, co-directed, wrote, and styled to serve as both promotional material and an easily accessed archive of some of the performative elements of the project, specifically combining choreography from Section One and Section Two.

⁶⁷ It is highly suggested that performance footage is reviewed in addition to this written component. Preferably, the footage will be viewed prior to reading this paper. The performance footage may be accessed through the Loyola Marymount University Political Science Department for educational purposes.

Section One: The Test of Historical Oppression



Section One will be discussed in the following divisions: the four soloists, the musical anachronism solo, and the table solo. Each of these four soloists has a physical restriction limiting their range of motion while dancing the choreography. Whether it be an arm tied behind the back, an awkward head placement, or a consistent swinging of the arm, each woman must handle an imposed physical limitations that hopes to mirror the societal limitations informed by

Romantic Paternalism. The first of the four soloists dances with an internal tension originating in her pelvic area and spreading through her body to affect her limbs, finger, toes and neck. This tightening of the muscles, a main technical component of the initial three solos, naturally induces an expression of discomfort, casting the desired performance quality. The inspiration for the first soloist's choreography comes from the case Griswold v. Connecticut, which ruled that a state's ban on the use of contraceptives violated the right to marital privacy.⁶⁸ Imagining the time period fueled by this notion of romantic paternalism, prior to and throughout this case in which such use of contraceptives were illegal, drew the choreographic focus on the pelvis and the grimace worthy tension that expands, erupts and crumples throughout this solo. The second solo makes use of the lower level and extremely quick, athletic movements, as well as strenuous gestures including wiping, sweeping, piercing, and rubbing. These motions may emphasize female restriction from civic life as they take inspiration from female household roles, such as cleaning, sewing, etc. The next two solos further explore this idea of promoting the societally ingrained role of the subservient female by repeatedly using a bowing of the head, a careful approach to movement, and a tense, 'on-edge', energetic quality as explorative motifs, ("a reoccurring, salient element (as in the arts); especially, a dominant idea,")⁶⁹ of this central theme.

The sound score for Section One was meant to prime the audience's minds for the higher, less obvious, levels of artistic associations between music and movements that occur in Section Two and Section Three. To do so, I showcased easily inferred associations between lyrical music and contrasting movement qualities. This artistic pairing of opposing music and movements clearly clues the audience into a sense of irony within the performance. The first audio bit is

⁶⁸ "Griswold v. Connecticut." Oyez. Accessed April 17, 2019. <https://www.oyez.org/cases/1964/496>.

⁶⁹ "Motif." Merriam-Webster, Merriam-Webster, www.merriam-webster.com/dictionary/motif.

heard when the curtain is down and the house and stage lights are in blackout. Ruth Bader Ginsburg announces, “I ask no favor for my sex... All I ask of our brethren is that they take their feet off our necks.” This introduction to the entire show pays homage to the source material, United States Supreme Court Case Frontiero v. Richardson, as well as sets the tone for the ironic depiction of gender that is about to take the stage.⁷⁰ The first song used in this section, “Thank Heaven for Little Girls” performed by Maurice Chevalier, spouts lyrics that, in combination with the movements, accentuate the harmful perceptions of women that were acceptable in this 1950’s era, a period in which the notion of Romantic Paternalism was understood as a social norm, embedded within society. Lyrics like:

Thank heaven for little girls,
 They grow up in,
 The most delightful way.
 Those little eyes,
 So helpless and appealing.⁷¹

The scoring of the remaining two solos follow in this line of artistic direction, for they are danced to the massively popular “Sixteen Going on Seventeen” as performed in the Sound of Music. In this recording the lyrics profess,

Your life, little girl, is an empty page,
 That men will want to write on...

⁷⁰ Knight, Louise W. "The 19th-century Powerhouse Who Inspired RBG." CNN. September 01, 2018. Accessed April 14, 2019.
<https://www.cnn.com/2018/09/01/opinions/ruth-bader-ginsburg-rbg-and-grimke-sisters-louise-knight/index.html>.
 ps:

⁷¹ Songfacts. "Lyrics for Thank Heaven For Little Girls by Maurice Chevalier." Songfacts. Accessed April 14, 2019.
<https://www.songfacts.com/lyrics/maurice-chevalier/thank-heaven-for-little-girls>.

Totally unprepared are you,
 To face a world of men.
 Timid and shy and scared are you
 Of things beyond your ken.⁷²

Lyrics like these that so blatantly objectify women and glorify female submission, paired with the created choreography priorly discussed, form a seriousness on the stage amidst a delightful, well-known tune. Thus, this contrast brings forth a new understanding of popular music of the 1950's, exposing the audience to the harmful notions of gender embedded in popular culture and, therefore, accepted by society at that time. To further assist the audience in making artistic associations between music and movement, I inserted an audio recording of the 1955 Housekeeping Monthly "Good Housewife Guide"⁷³ within these musical tracks. This included booming lines like,

Prepare yourself... Touch up your makeup, put a ribbon in your hair and be fresh-looking... Be a little gay and a little more interesting for him. His boring day may need a lift and one of your duties is to provide it... You may have a dozen things to tell him, but the moment of his arrival is not the time. Let him talk first- remember, his topics of conversation are more important than yours... Make him comfortable... Speak in a low, soothing and pleasant voice... He is the master of the house... You have no right to question him... A good wife always knows her place.⁷⁴

⁷² "Richard Rodgers – Sixteen Going on Seventeen." Genius. March 02, 1965. Accessed April 14, 2019. <https://genius.com/Richard-rodgers-sixteen-going-on-seventeen-lyrics>.

⁷³ [Good Wife's Guide Training Video - YouTubehttps://www.youtube.com/watch?v=DB5TOsS5EyI](https://www.youtube.com/watch?v=DB5TOsS5EyI) This audio was extracted into MP3 format and edited into the final sound mix for the final performance.

⁷⁴ The Good Wife Guide: 19 Rules for Keeping a Happy Husband. Kennebunkport, Me.: Cider Mill, 2010.

This audio source does an excellent job of relaying what was expected of women at this time within their households, showing the pressures of maintaining the household and one's physical appearance for one's husband. It sets the tone of this era and recounts the normal expectations of a man's female partner.

These initial four solos take place in still spotlights. The other women, observing while on stage, are cast in the side lighting intended to support the facial lighting of the soloist. This distinct choice to cast the women in four separate spotlights while dancing their bounded, flowing movements was an attempt to signal themes of isolation, lonesomeness, and individuality through lighting design. The costume choice of 1950's dresses colored the stage with a gradient of royal tones and, in their variations, allowed each dancer to maintain a personal identity, rather than be regarded as an ensemble. This, paired with the aforementioned choice of individual spotlights assists the theme of isolation when the girls dance separately. Furthermore, it helps employ a costume cohesiveness in the style of the dresses similar to the ways in which the movement motifs among all of the choreography of the soloists work to instill a sense of commonality among the women, a relatability in their shared struggles.

The choreography for the second wave of Section One, the musical anachronism solo, intends to use movements and motifs from the initial four soloists, while curating a flashiness and distorting the movement by adding a fun-loving, vibrant performance quality. I created this solo by adding the upper level, not explored in the other solos, into this repertory. Also, I took inspiration from each of the previously choreographed solos and made distortions by using the tools of inverting and inscribing while making this solo. For example, while the choreography of the first soloist of Section One makes many references to the pelvis and a budding tension within

this area, this performer rocks her hips in a free flowing motion that seems to mock the struggle of the first performer. Furthermore, her floorwork is colored with a bright energy that varies from the floorwork of the previous four soloists that was strenuous and labored. This was all intentionally done to ensure that the audience would subconsciously compare the women and take note of this soloist's departure from the previous qualities of movement.

Specifically drawing inspiration from the collapse of Second Wave feminism in the 1980's which was onset by a departure from the universal definition of women and the narcissism of white middle class feminism, this portion of Section One attempted to energetically acknowledge the various forms of feminism classified according to race, sexual preference, and class. For, according to author Naomi Zack, these segregations have not ended discrimination and exclusion and make it seemingly impossible for political and social unification among women.⁷⁵ To compliment this shift in energy, I have created an anachronism in both costuming and music to shift the audiences' energy to one of confusion. The presence of this soloist intends to make the audience feel that this new wave of energy is unfitting, for the viewers have just become acquainted with the movement vocabulary of the four female performers they just witnessed. The costuming, a 1970's/1980's black, power suit with a skin tight black skirt and the dancers hair long and unkept, as well as the shift to bright, spatially widening, multi-colored flashing lights aids in this energetic shift. Furthermore, the music, "Love My Way", by the Psychedelic Furs, was chosen as an intentional anachronism as it shifted the music from that of the 1950's and 60's to music of the late 1980's, and aided in queuing the audience to an

⁷⁵ Zack, Naomi. *Inclusive Feminism* VA Third Wave Theory of Women's Commonality. Rowman & Littlefield Publishers, Inc., 2005.

<https://electra.lmu.edu:2084/login.aspx?direct=true&db=cat00322a&AN=linus.b3788477&site=eds-live&scope=site>

atmospheric change on stage. Hopefully, this decision helped to cast a new unfounded sense of positivity on the stage and stirred the emotions of the viewers, hinting that the celebration and joy occurring within this soloist is not a tangible reality for the other dancers. This contrast in movement vocabulary and performative decisions helps in pointing towards the choreographic intent, which is to instill this aura in an attempt to acknowledge the lack of inclusivity within the early feminist movements.⁷⁶

The 'table solo' was inspired by the "breaking the glass ceiling" metaphor: A commonly used phrase in discussing women's issues that asserts "an upper limit to professional advancement that is imposed upon women, minorities, and other non-dominant groups and is not readily perceived or openly acknowledged."⁷⁷ Using the table as a symbolic instrument for the viewer to decipher, while influenced by the culmination of the movements and sound score, I made a motif of having the dancer placed beneath the table. This action allowed the table to appear as a ceiling into which the dancer pressed her back. In a deeply efforted movement quality, the viewers witness a struggle to lift, move, or shake the table off of her. As the table remained untouched, she is drawn back to it with an increasing level of aggressiveness and athleticism. She explores the upper level, stepping onto the table, crawling on top of it and stumbling off of it until finally she hurdles her body to come to a standing position on top of the table. Taking a musical cue, the dancer crumbles to her knees and ends the dance crumpled under the table. This leaves the audience with the impression that her battle with this barrier continues. While this dance is performed, a group of women from the previous portion from the section sit in a clump far downstage, stage left. They chat with one another and ignore the struggling

⁷⁶ Ibid.

⁷⁷ "Glass Ceiling." Dictionary.com. Accessed April 14, 2019. <https://www.dictionary.com/browse/glass-ceiling>.

dancer. This transition intended to hone in on the theme of isolation once more before ending Section One.

This final solo of Section One, (The Table Solo), brought cohesion to the piece as it restored a sense of reality upon the stage. Looping back to the bright spotlights used in the beginning of this section, this dancer moved in a pool of light that made those athletically jarring movements visible. This singular flooding of light, as well as the stage left group of seated women who were visible only by the side lights and paid no attention to the soloist, reinvigorated the piece's vital theme of isolation. Furthermore, the costuming, a 1950's dress, now longer in sleeve and deeper in jewel tone, repeated the central costuming idea. However, rather than be as tidy, (in terms of hair and makeup), as the first women seen in this piece, this dancer wears her hair so unkempt that it falls out, cascading her long, undone hair across her face as she battles with the table. This points to the progression of the female struggle on stage, for it has transitioned from being solely internalized to having an external appearance.

The audio for this solo was extracted from a radio talk show dating back to the 1950's.⁷⁸ This spoken word was pivotal in tying together Section One. The audio source projects the sounds of a panel of men interviewing a career focused woman on the radio in order to interpret what percentage of a 'career' woman they believe she fulfills. In the end, despite her personal convictions and clear passion for work, she comes short of being determined as a fully fledged career woman, for the men believe her answers to their questions show that she is dreaming of a future husband and marriage. This pairing of audio with the table choreography was thrilling, for it seemed to accentuate the struggle any woman may have taken to access job opportunities or to

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https://www.youtube.com/results?search_query=attitudes+towards+working+women+in+the+1950%27s

*This audio was converted into MP3 format and edited into the final mix for the live performance.

be taken seriously in an occupation. Furthermore, in performance, the audio had a timeless effect. I coached the performer to find inspiration in her performance quality by looking to the ongoing plight for equal representation among men and women, so that she could relate with the voice of the woman of this time.

Section Two: The Test of Historical Political Powerlessness



The first component in creating Section Two was devising the staging. Taking on this historical idea of the public and private realm immediately inspired me to recreate this in a minimalistic, theatrical manner. Instantly, I was set on dividing the stage into two sections. I chose to divide the stage diagonally, for I felt this gave greater visual access to the public, rather than the private realm. This was intentional, for the private realm, by nature, is obviously more hidden as it is a realm that operates behind closed doors. Thus, placing the dividing instrument on a diagonal gave a closed-off sense to the private realm while also highlighting the floor work of the soloist in the public realm and her clear trajectory, and connection, with the dominant energy. Furthermore, I wanted to have the role of a controlling figure on stage throughout this piece, so that the audience could hold an individual accountable for this divided world. So, it

became important that this figure would move differently, operating uniquely amidst the sea of choreography on stage. I focused on accomplishing this in choreographic ways, as well as physical. For example, in designing the stage I increased the height of this character, situating her spatial level above everyone else. To do this, I placed this character on a black stool, (the ‘box soloist’), clearly raising her above the rest of the cast, for the entirety of the piece.

Choreographically, I began creating the “public realm” solo first. I constructed an idea of passes, or attempts to approach the dominant figure on stage. Each pass took on a different emotion based upon the level of physicality needed for completion of the material. For example, when I desired for the dancer to perform with exhaustion, I created movements focusing on core and upper body strength with extreme cardiovascular requirements to make her physical body exhausted, and thus, her energy one of exhaustion. Additionally, to incite this exhaustive reaction I focused on tiring particular muscles. In taking inspiration from the writings of Rousseau discussed in Chapter Two, I found myself drawn to this particular passage from *Emile*:

Who can possibly suppose that nature has indifferently prescribed the same advances to the one sex as to the other and that the first to feel desire should also be the first to display it. What a strange lack of judgment! Since the consequences of the sexual act are so different for the two sexes, is it natural that they should engage in it with equal boldness? How can one fail to see that when the share of each is so unequal, if reserve did not impose on one sex the moderation that nature imposes on the other, the result would be the destruction of both and the human race would perish through the very means ordained for its continuance. Women so easily stir men's senses...⁷⁹

⁷⁹ Rousseau, Jean Jacques. *Emile*. Translated by Barbara Foxley. September 26, 2011. Accessed April 15, 2019. <http://www.gutenberg.org/files/5427/5427-h/5427-h.htm>.

His blatant emphasis on the inequalities of men and women is made evident in this writing. Rousseau clearly believes the inequalities of men and women are founded in nature and, furthermore, extend into their sexual behaviors. This emphasizes the previous writings quoted throughout Chapter Two that discuss the inequalities of men and women that breed the roles of dominator and submissive in male and female relations. In this particular passage that refers to sexual nuances between the opposite genders, I was inspired to create passes that would focus on the pelvis lifting from the floor, in constant contraction, so that even the deepest muscles of the abdomen would tire throughout the duration of the piece.

I devised these diagonal trajectories of choreography as always staying close to the line, but never touching it, so that the audience could inherently feel a degree of suspense on the stage. Furthermore, restricting this soloist to the floor level showcased the spatial gap between her and the looming figure. This, left to symbolic interpretation by the audience, intended to arouse an atmosphere of uneasiness. Additionally, this could harp on the idea of suspense, for the soloist never reaches the eye-line of the cloaked figure and seems to be purposefully moving through this world in an effort to avoid detection. This soloist is eventually joined by a second dancer who, in a heaving effort, jumps over the line. Prior to this grand gesture, however, the dancer operates within the 'private realm'. Here, her movement quality clearly sets her apart from the other dancers in this realm. For rather than focus on her personal movement tasks, she scans and inspects the movements of others within this world. Accelerating the speed of the movement, she provides contrast to the four dancers moving in the 'private realm.' Eventually, she clothes herself by removing her skirt, making her appearance different from those surrounding her, and exits the stage. In a timed spurt of energy, she launches across the stage and

over the line to join the soloist in the ‘public realm.’ Here, she joins in and matches the choreography and strength of the public realm soloist.

Next, I created the choreography of the private world. In doing so, I was concerned with reconstructing the energy of a mundane setting. I bountifully used the tool of repetition in this case. First, I chose two spatial patterns I believed to grow quite tiresome (circles and lines). Then, I took to the studio on my own, improvising and composing material that paid attention to the detail of these prompting patterns. Afterwards, I taught this phrase work to two of my dancers. Through the editing process, I found a level of repetition, while also playing with speed and facing, necessary to create the desired effect of mundaneness. While these two dancers were focused on circular patterning, I devised a linear walking pattern for myself and another dancer to contrast with the other performers’ phrases, while also making use of the similar theme of the mundane. When creating this phrase, I focused on making a repetitive pattern with a variety of facings in a hope to aesthetically compliment the world of Section Two. This was achieved through strategically timing these linear patterns, so that they were of constant speed. With so many performers on stage at once in this section, I felt it was important to give the audience characters who provide a visual relief with consistent, repetitive movement. These tools help craft phrase work that inadvertently makes the audience feel a sense of security and calmness. Furthermore, coaching the performance quality of these dancers to be task based, and therefore focused solely on the movement, also assisted in forming this on stage climate. Inducing this base of emotion within the audience was essential for my final performer, ‘the box-soloist’ who stirred the aura of the stage with a frantic, stylistically varied movement.

In creating the choreography for the ‘box soloist’, I took to visual media for inspiration. Wanting to create a sense of manipulation and cruelty, I watched videos of a variety of dictators giving speeches. Studying their body language, I began to identify motifs in their gesturing, postures, and facial expressions.⁸⁰ The astounding levels of aggression and confidence motivated the gesture positions I created for the box soloist. To add a sense of randomness and variety to this solo, I constructed a system through which this dancer could improvise while drawing from my previously selected gestures. Furthermore, I coached her in adding elements of street dance, popping and krumping, so that her movement vocabulary would contrast with the other dancers, further distancing her from them in the eyes of the audience. Also, to assist in the randomness, I formed a numerical pattern when counting the beats of the unmeasured score. Here is an example of an improvisational map I created when rehearsing with the ‘box soloist.’

9-15
9-1
15
9-7

(190 counts of steady beat) cue.

In this period of time,^^

Small gesture, begin to incorporate feet, then leg extension and level change.

(DIVE ROLL CUE)

Face front with one hand out gesture.

9,10,9,8,7,6,5,4,3,2,1

Then, gesture EMPHATICALLY until the end of siren sound.

**As the siren fades, hit single “pausing” gesture FACING FRONT

Lower hand as siren goes silent.

⁸⁰ <https://www.youtube.com/watch?v=EGPvcSOB4zE> Here is a sample of the video content I consumed while imagining this choreography.

BEGIN 20-30 beats of convincing, persuasive facial gesture.

Then, **conducting** the whole world

Use turns, extension, and full body movements.
Pivoting, promenading, and shuffling.

Until... gurgling sound cue.

When you hear this... hit gesture (one hand up head positioned upwards) **FACING BACK**

{100 COUNTS OF FINAL EFFORT}

Use sound, extreme gesture, pointing and circling to retrace your world and motions.

When the music ends, face back. Stomp and place both hands up with your head upwards. You are cradling your world.

Tape goes.

Wait a moment.

Jump.

Lights Go Dark.

This was a unique mapping technique I created for the show, for the box solo was the only phrase formatted as a highly structured improvisation. In regards to the dancer's performance quality, I had her study various compilations of historic dictators giving speeches so that she could harness that energy and emit that aura on stage. This dance culminates in a final moment in which the box soloist clasps her hands above her head in a fist while stomping her foot. During this moment, the dancers have accumulated next to the line. They study it in stillness while remaining on the low level. In this instance, the measuring tape snaps, and, as it retreats halfway down the stage, the box soloist finally departs from the small surface of the stool as she jumps into the air while reaching towards the line. The lights blackout before she lands. This leaves the ending choreographically ambiguous, requiring the audience to speculate whether that division was restored and still remains, or if it has truly been eradicated.

For this section, I sought a score that offered a beautiful instrumental piece of music to contrast the mood of the onstage dancing, as well as serve as an absorbent tune that could work with the large variety of choreography occurring on stage between all of the dancers. This particular piece, “BC” by Clarice Jensen, was exceptional in providing these wants, as well as insinuating the eerie, commanding nature of the soloist on the black box by having disharmonious influences as the piece progressed. These include gurgling sounds and incongruous chord choices towards the latter portion of the music that I matched with a physical build in the choreography that was onset by using the element of speed.

The costuming for this section was purposefully muted. The feast of choreography, the important use of prop, staging, and lighting is so visually stimulating to the viewer that I wished to keep the costuming for this section as simplistic as possible. The women dancing in the “private realm,” or the upstage quadrant of the stage, wore black turtleneck leotards and black, knee-length circle skirts. Their hair in a high feminine ponytail assisted in their timeless, feminine aura as their hair and costumes flowed throughout the mutinous circular and linear pathways. The dancer performing on the low level of the upstage quadrant wears the same leotard but no skirt. Her hair is braided and she uses socks and knee pads to assist in her extremely athletic, strenuous movements. This division between mundane, task based to fighting movement is depicted not only by the measuring tape prop, and choreographic choice to have a dancer travel across the line, but also the costuming choice of having this dancer undress on stage after anxiously scanning the role of each dancer in the private realm. After bearing her legs, the dancer returns to stage with the knee pads and socks of the main floor bound soloist, inferring, along with her jump across the line, that she is ready to join in the effortful movement

of the downstage soloist. Lastly, the soloist dancing in mostly gesture on the box placed at the end of the diagonal, wore dress pants and an oversized blazer to portray a level of formality and lend to the style of menswear.

Lighting was an extremely crucial production element in Section Two. It was important to plot a lighting scheme that both highlighted the main prop, (the measuring tape), and clearly divided the world, while still showcasing the movement of the dancers. Thus, I began by having a plain toplight illuminate the stage. As the 'box soloist' drew the measuring tape from the fourth wing, dividing the stage, a faint white diagonal beam of light followed her. As she placed the measuring tape down, it entered the beam of light and this line of division the prop created on stage became highlighted by the lighting choice. Furthermore, there were separate, dark colors between the realms. For example, the public realm containing the floor bound soloist bled into a dark purple, while the private realm became saturated in blue. These colors were chosen for they offered the highest level of saturation on stage, while still maintaining the dividing diagonal light and visibility of movement. The 'box soloist', positioned at a crossing of all the lighting cues, became immersed by the various colors, leaning into the idea that this character operates in all realms of this on-stage world.

Section Three: The Test of Immutability



The choreography for this section resulted from researching movement limited to specific word prompts whose origin was addressed in Chapter 2. Afterwards, I took this bulk of choreography and broke it into solos, duets, trios, a quartet, and even ensemble work. Then, I strung these moments together in an aesthetically endearing, cohesive structure that molded well with the musical score. When creating this choreography, I devoted time to reading the research and writings on Trans Theory that I discussed in Chapter One and Two. This included identity, internal tension or struggle, and miscoordination. The theme of identity fueled the performance quality that drives Section Three by introducing the consonant scanning and examining of the other dancers while on stage. This fascination for the bodies of the other dancers was meant to inspire an obsessiveness within the dancers' performance. Internal tension and struggle directly influenced all of the movement choices. This budding feeling of internal tension was initiated within the dancers' cores and extended through their bodies to produce the desired movements. The upper body for this piece was constantly activated with muscular tension, and the movements operated in a bound flow and heavy weightedness. Struggle was harnessed in the complex partnering found in the ensemble lifts, the quartet, and the final duet, as well as the fighting sensation made tangible in the minimal ways of locomoting across the stage with simplistic walking, crawling, and running not allowed. This aspect of the choreography aided in setting this on stage world apart from the mundane, known world. By removing those common, human traveling pathways, the audience is invited to find fascination with this community of dancers. Additionally, the physical strength it took to complete the athletic moments of partnering ensued a level of struggle in the physical body. Miscoordination was extremely helpful in the creation process as well, for taking it in a literal sense by trying to create

movement that possessed a feeling of miscoordination, it assisted in inspiring those complex, unique movements that distorted the body in new ways and formed alternate shapes rarely explored.

Furthermore, the movement vocabulary drawn upon was inspired by the idea of distorting the rigid, socially accepted binary, as does the presence of the transgender and non-gender conforming communities. To do so, the dancing made use of many classical ballet positions and techniques while applying various degrees of distortion. For example, the arabesques were done in an inverted fashion, or with tense, claw-like hands pinned to the side of the body. Also, the motif of a la seconde, (a leg extension to the side), was always paired with a heaving of the abdomen or jutting, angular arm movement. Thus, this movement took a highly structured movement discipline, like ballet, and explored the possibilities of the in-between positionings and furthering of the classical shapes and forms to pay homage to the discussion of gender as not a rigid, boxed concept, but as a fluid entity. Now, while the choreography gracefully shifted between ensemble and select groupings, there was a singular protagonist who remained on stage for the entirety of this piece. Spreading to downstage stage right after the piece's initial herded lift, this dancer spent the entirety of the piece traveling in a U- shape around the stage only to return to her beginning position to imply the ongoingness of this world. Similar to the use of timing to calm the audience in the second piece, I felt that this stylistic departure from the previous two seconds provided an abundance of information for the audience to consume. For this reason, I utilized this individual as a constant presence on stage that offered visual reliance to the audience. Her role, in terms of movement, was actively exploring those aforementioned prompts, identity, internal tension or struggle and miscoordination, through set phrases and

pathways so that there was a performer cohesively framing the world with thematic motifs for the viewer.

The main musical score I chose for this section, “Annihilation” by Ben Salisbury, was selected for its contemporary, electronic feeling, as well as its ability to build suspense within the listener. Additionally, this music, in combination with the choreography and costuming helps Section Three to dramatically differ from the previous sections. This extreme departure is intentional, for the first two sections were historical in nature, Section One focusing on the historical theme of Romantic Paternalism and Section Two artistically creating past Political Theorist Jean-Jacques Rousseau’s division of the world, and Section Three is a currently, ongoing issue. To prime the audience for this departure from a historical context, I added an audio interlude in which a conversation between a transgender person and children shared a conversation followed by the definitions of gender, gender-fluid, and, lastly immutable. This audio, absorbed by the body in darkness, mentally prepares the viewers for the drastic change in topic that the test of immutability ushers.

The conversational portion of audio that plays before this section sounds:

“How do you know you are a girl?”- Non-Gendered Person.

“I feel it in my body.”- Young female, (under the age of 13 years old).⁸¹

In my costuming decisions, I wanted to clearly show the body of each dancer on stage. I intended to highlight the physicality of the choreography and exertion of energy by baring the skin and musculature of my cast. In addition, I wanted each performer to remain an individual while dancing within this connected cohort. Therefore, I chose nude, skin tight costumes that would

⁸¹ <https://www.youtube.com/watch?v=DZsBei4nChU> (Audio Extracted for Live Performance)

show each person's body. This also pays homage to the body-centric plight of gender identity issues. The feeling of identifying with a physical form opposite of the body one possesses lended to the choreographic prompts in creating the movement and, for this reason, my main objective in costuming Section Three was illuminating the skin and showing the bodies of the dancers. The lighting decisions, darkly shadowed and auburn in tone, were made solely to assist the costuming by complimenting the bodies of the dancers through focusing the audience's attention on their physical features.

The Program

Here, I have included the program that was handed to audience members prior to the show. I am unable to reveal whether or not the information included in this program was read prior to the physical performance, for this is a decision left exclusively to the art viewing audience member. I chose to not infringe upon this personal decision, for it is a freedom often left to the public in deciding how they choose to interact with art. This is due to the fact that the level of knowledge they consume regarding the movement research process prior to a showing may affect their natural perception of any given performance. Thus, this is simply the information I offered to my audience members:⁸²

⁸² Please note that the photographs included in the program were taken while on set for “His Party”, the short film made to complement this project. All photographs were taken by Sarah Olsen and Lauren Delisle. I edited the photographs, and I am responsible for the program design.

APRIL 2019 | SENIOR THESIS SHOWCASE | STUB THEATRE

CULTIVATING COMPASSION



HUMANIZING LEGAL RHETORIC
THROUGH DANCE PERFORMANCE

CREATED BY BRYNN BODAIR

MY SHOE IS YOUR SHOE | HIS PARTY | IMMUTABILITY

THE PROJECT.

THE ABSTRACT.

TAKING AN INTERDISCIPLINARY APPROACH, THIS RESEARCH ASKS: CAN DANCE SERVE AS A CONNECTIVE FORCE THAT TRANSCENDS BEYOND THE LEGAL WRITING OF THIS CASE TO OFFER A HOLISTIC MODEL OF LEGAL COMMUNICATION? THIS PERFORMANCE IS THE CULMINATION OF THE PROJECT. THIS PERFORMANCE IS DIVIDED INTO THREE SECTIONS THAT ENERGETICALLY RECONSTRUCT THE THREE PART TEST DISCUSSED IN THE SUPREME COURT CASE FRONTIERO V. RICHARDSON, WHICH STRUCK DOWN A STATUTE THAT COMMANDED DISSIMILAR TREATMENT FOR MEN AND WOMEN SIMILARLY SITUATED AND TESTED HISTORICAL OPPRESSION, POLITICAL POWERLESSNESS AND IMMUTABILITY IN RELATION TO GENDER. DANCE WILL SERVE AS A SECOND FORM OF COMMUNICATION, IGNITING EMPATHETIC FEELINGS FOR THOSE, LIKE THE TRANSGENDER COMMUNITY, INHERENTLY IMPACTED BY THE COURT'S DECISION. ADDITIONALLY, A WRITTEN COMPONENT WILL ILLUSTRATE THE DOCUMENTED MOVEMENT RESEARCH AND ARTISTIC CHOICES MADE IN TERMS OF LIGHTING, COSTUMING, AND STRUCTURE, AS WELL AS THE CHOREOGRAPHIC TOOLS, AND THEMES OF THE WORK, THAT, IN CULMINATION, WILL ASSIST THE ENERGETIC RECONSTRUCTION OF THE CASE. THIS RESEARCH SUGGESTS THAT THROUGH VIEWING THIS MOVEMENT IN PERFORMANCE, THE AUDIENCE MEMBER MAY EXPERIENCE THE EMOTIONAL SIGNIFICANCE OF THIS CASE THROUGH DANCE AND, IN CONJUNCTION, EXPERIENCE EMPATHETIC AND COMPASSIONATE FEELINGS TOWARDS THOSE PERSONS AFFECTED



FRONTIERO V. RICHARDSON

THIS PROJECT HAS RESULTED IN A MODERN DANCE PERFORMANCE DIVIDED INTO THREE SECTIONS THAT ENERGETICALLY RECONSTRUCT THE THREE-PART TEST ESTABLISHED IN THE SUPREME COURT CASE FRONTIERO V. RICHARDSON (1973), WHICH STRUCK DOWN A STATUTE THAT COMMANDED DISSIMILAR TREATMENT FOR MEN AND WOMEN SIMILARLY SITUATED. THIS LANDMARK COURT CASE SPECIFICALLY DECIDED THAT BENEFITS GIVEN BY THE UNITED STATES MILITARY TO THE FAMILY OF SERVICE MEMBERS COULD NOT VARY BECAUSE OF SEX. THIS DECISION WAS MADE AFTER EXAMINING THE CASE OF SHARRON FRONTIERO, A LIEUTENANT IN THE UNITED STATES AIR FORCE, WHO WAS DENIED A DEPENDENT'S ALLOWANCE FOR HER HUSBAND BASED ON A FEDERAL LAW THAT STATED THE WIVES OF MEMBERS OF THE MILITARY AUTOMATICALLY BECAME DEPENDENTS WHILE THE HUSBANDS OF FEMALE MILITARY MEMBERS WERE NOT AUTOMATICALLY ACCEPTED AS DEPENDENTS AND HAD TO PROVIDE PROOF THAT THEY WERE DEPENDENT FOR MORE THAN 50% OF THE TOTAL COMBINED INCOME TO QUALIFY. THE COURT QUESTIONED WHETHER THIS FEDERAL LAW THAT REQUIRED DISSIMILAR QUALIFICATION CRITERIA FOR MALE AND FEMALE MILITARY SPOUSAL DEPENDENCY UNCONSTITUTIONALLY DISCRIMINATED AGAINST WOMEN. IN ITS RULING, THE COURT APPLIED A THREE-PART TEST MEASURING HISTORICAL OPPRESSION, POLITICAL POWERLESSNESS AND IMMUTABILITY TO AFFORD, LIKE RACIAL CLASSIFICATION, SPECIAL CLASS STATUS TO SEX-BASED CLASSIFICATIONS.

THE CASE

T H E S E C T I O N S .

S E C T I O N I .

A HISTORY OF OPPRESSION/

MY SHOE IS YOUR SHOE

MUSICAL ARRANGEMENT: DAVID KARAGIANIS

"THANK HEAVAN FOR LITTLE GIRLS"- MAURICE

CHEVALIER & THE M-G-M STUDIO CHORUS

"SIXTEEN GOING ON SEVENTEEN"- CHARMIAN CARR &

DAN TRUHITTE

"LOVE MY WAY"- THE PHSYCHADELIC FURS

"THE GOOD WIFE'S TRAINING GUIDE" AUDIO CLIP

"ATTITUDES TOWARDS WORKING WOMEN IN THE 1950'S

"AUDIO CLIP

S E C T I O N I I .

A HISTORY OF POLITICAL POWERLESSNESS/

HIS PARTY

"BC"- CLARICE JENSEN & JOHANN JOHANSSON

S E C T I O N I I I .

IMMUTABILITY

MUSICAL ARRANGEMENT: DAVID KARAGIANIS

"THE ALIEN"- BEN SALISBURY & GEOFF BARROW

VOICEOVER BY BRYNN BODAIR

LIGHTING BY JOHNNY GARFALO.
COSTUMING BY BRYNN BODAIR.

RESEARCH METHOD.

SECTION I: INSPIRED BY THE
HISTORICAL INFLUENCES OF
ROMANTIC PATERNALISM &
INCLUSIVE FEMINISM

SECTION II: INSPIRED BY
POLITICAL THEORIST JEAN
JACQUES ROUSSEAU'S SOCIAL
CONTRACT THEORY

SECTION III: INSPIRED BY THE
REOCCURRING THEMES OF
CURRENT TRANS THEORY

THIS WORK WAS
CREATED
THROUGH
BLENDING
RESEARCH
METHODS FROM
BOTH
DISCIPLINES.

A SINGLE CASE
STUDY +
MOVEMENT
RESEARCH.

THE MOVEMENT
RESEARCH:
COMPOSITION +
TEACHING
&
IMPROVISATION,
SELECTION, +
MANIPULATION.

THIS MOVEMENT
RESEARCH WAS
INTERESTED IN
ENERGETICALLY
RECONSTRUCTING,
RATHER THAN
REPRESENTING THE
COURT'S DISCUSSION OF
THE THREE-PART TEST
WHICH EXAMINES
HISTORY OF OPPRESSION,
HISTORY OF POLITICAL
POWERLESSNESS &
IMMUTABILITY IN RELATION
TO GENDER THROUGH
HISTORICAL AND
CONTEMPORARY LENSES.

THE INTERDISCIPLINARY RESEARCH METHOD.



DANCERS.

The Cast.

BRYNN BODAIR

Brynn Bodair, a versatile performer and choreographer, hails from Pittsburgh, Pennsylvania. She trained extensively with Pittsburgh Ballet Theatre's principal dancers and received private coaching from The Kirov Ballet's Jutec Kasamon. She studied with the Atlanta Ballet, Texas Theatre Ballet, and Pittsburgh Ballet. She has performed in several classical ballets, and with Maria Caruso's Bodiography Contemporary Ballet Company as a trainee. Recently, she performed her own work "Visions of Gideon" as a part of The Bach Music Festival. She interned for the Bill T. Jones Summer Intensive at New York Live Arts, and trained with Keigwin and Company at The Juilliard School. Brynn attends Loyola Marymount University where she is pursuing a double degree in Dance and Political Science, as well as a minor in Screenwriting, and continues her training with Dance Teacher Magazine's featured teacher Roz Leblanc Loo, BODYTRAFFIC's co-artistic director Lillian Barbeito, and other esteemed faculty. Brynn is eager to work, spreading her infectious motivation and work ethic with all.

EVA CRYSTAL

Eva Marina Crystal grew up in Oregon where she received a foundation in ballet, jazz, tap, contemporary and acrobatics at Innovative Dance. Eva refined her technique and performance skills at NW Dance Project in Portland. She is currently a senior at Loyola Marymount University where she studies modern, contact improvisation, ballet, jazz, and composition. She has been featured in works by Sidra Bell, Stephanie Zaletel, Rebecca Lemme and Rosalynde LeBlanc Loo in annual concerts at LMU. In collaboration with Halie Donabedian, Eva has created multiple duets that have been invited to be performed at the Dean's Convocation, Annual Spring Student Concerts, and ACDA in 2018. Over the summer she traveled to New York for a week to be a work study student for the Bill T. Jones/Arnie Zane Company, followed by a month in Los Angeles studying on a full scholarship with BODYTRAFFIC. Collaboration is at the heart of everything that Eva does and she deeply enjoys bringing art to life through movement.

HALIE DONABEDIAN

Halie Donabedian was born and raised in Kingsburg, California training in modern, contemporary, ballet, jazz, hip hop and tap. She traveled and performed in New York, Las Vegas, and danced with The Dance Company on the William Saroyan stage for over a decade. Halie trained with professionals such as Mia Michaels, Mandy Moore and Peter Chu. She continues her education in dance at Loyola Marymount University where she has performed in the Fall Faculty Concert, Spring Concert, and with the IB Modern Hip-hop Crew. She was a part of Roz LeBlanc Loo's recreation of Bill T. Jones's D-Man in the Waters and has worked with other faculty such as co-director of BODYTRAFFIC Lillian Barbeito, Twalya Tharp's John Todd, and Rihanna's choreographer Jason Myrhe. After Halie graduates from LMU in 2019 with a degree in dance, she is excited to continue traveling and sharing her passion on stage.

DANCERS.

The Cast.

REAGAN RICOSSA

Hailing from Memphis, the city of blues and rock and roll, Reagan Ricossa is a versatile performer who specializes in commercial dance. Reagan started training at the age of three under the direction of Annette Wilson and Natalie Fotopolous and is now in her third year of study as a dance major at Loyola Marymount University. There she has performed in works choreographed by Thaddeus Davis, Tanya Wideman-Davis, Rosero McCoy, Marjani Forté-Saunders, Maureen Gonzales, and Maggie Gonzales-Smith. She has assisted and studied with choreographers: Melody Lacayanga, George Jones Jr., Ricky Palomino, and Allen Cooper. Reagan was invited as one of two dancers to represent Tennessee and perform at the Dance Excellence Gala in Los Angeles. She also performed for Dee Casperly at The PULSE New York City Gala. Reagan will graduate with a Bachelors of Arts and a minor in Business Administration in May 2020. She may appear petite at first glance, but her dancing quickly uncovers her firecracker personality and passion to perform.

MADELINE RILEY

Madeline Riley is a current Fine Arts Individualized Studies major at Loyola Marymount University, where she has constructed her own curriculum combining Dance and Visual Arts training. She enjoys the exploration of both the Dance and Art world, which enables her to interpret and portray movement in new ways, and proves beneficial to her work, which takes the forms of live performance, drawing, painting, and film. She has acquired an array of dance knowledge from different environments- doing concert intensives such as Gaga and RUBBERBANDance, working in the commercial world under Go 2 Talent Agency, and continuing to battle, train, and organize events in the Street Dance realm under the alias "Mad Linez" with her crew "The Lot Original." She is excited to graduate this Spring and continue working from her diverse education and experiences and is thankful to have worked with Brynn Bodair, who sees her for who she truly is and implements everyone's individuality into the work.

HALEY SMITH

From the Blue Ridge Mountains in Asheville, North Carolina, Haley Smith is a detail-oriented dancer specializing in ballet and modern. She discovered an interest in dance at age three while watching the classic film Singin' in the Rain. She's trained in gymnastics, Gyrotonics and various genres of dance including Horton technique. As a dance student at Loyola Marymount University, she performed in original choreographic works by Rosalynde Leblanc Loo, Scott Heinzerling, Kristen Smiarowski, and Jess Harper. She performed in the restaging of the Bill T. Jones/Arnie Zane Company piece Love Re-Defined at LMU in November 2018. Dedicated to learning, she leapt at the opportunity to study dance in Paris, France during the summer of 2018. In May 2020, she will graduate from Loyola Marymount University with a Bachelors of Arts in Dance and a minor in Spanish. Her passion for language and dance guides her as she travels and performs across the world.

DANCERS.

The Cast.

MONICA WILLIAMS

Midwest native Monica Williams is a contemporary dancer and choreographer based in Los Angeles, California. She was born in San Francisco and grew up in the metropolitan city of Omaha, where she trained with the Nebraska Dance Company. Monica continues her dance education with the Loyola Marymount University Dance Program in Los Angeles training in modern, ballet, contemporary, jazz, motif notation, tap, hip hop, and dance composition. Monica has performed original works by Sidra Bell (Sidra Bell Dance New York), Rosalynde LeBlanc Loo (Bill T. Jones/Arnie Zane Company), James Gregg (RUBBERBANDance), Alice Klock & Florian Lochner (Hubbard Street Dance Chicago, Flockworks Dance), Kate Hutter-Mason (Los Angeles Contemporary Dance Company), and more. She has also trained with renowned professionals including John Todd (Twyla Tharp), Lillian Barbeito (BODYTRAFFIC), Jason Myhre, and Marissa Osato. With her Midwestern roots and West Coast vivacity, Monica focuses her efforts on socially-driven choreographic and performative projects, and she seeks artistic involvement with contemporary dance collectives and multimedia arts organizations across the globe.

SARAH STANLEY

Sarah Elizabeth Stanley was born and raised in Tucson, Arizona and resides in Los Angeles, California. She is a graduate of Sarah Lawrence College, where she studied dance under the direction of Sara Rudner and John Jasperse. Additionally, she completed the Broadway Dance Center Training Program, Ballet emphasis, with a Certificate of Excellence. She has attended the American Dance Festival and The Ailey School, among others, and has performed works by Alvin Ailey, Merce Cunningham, Jacques Heim, Martha Graham, Bill T. Jones, and Paul Taylor. Sarah was a Taylor School scholarship student for five years. She was the founding senior member of the Paul Taylor Teen Ensemble, where she served as assistant to director Raegan Wood for the 2012-2013 tour season. As a freelance artist, Sarah has performed at the Valley Performing Arts Center, The Metropolitan Museum, Lincoln Center Global Exchange, and Spoleto Festival USA. Sarah currently dances with DIAVOLO 2 and as a freelance performer.



DANCERS.

CREATED BY BRYNN BODAIR |
APRIL 2019



CULTIVATING.....

HUMANIZING LEGAL RHETORIC THROUGH DANCE PERFORMANCE

COMPASSION:::

CREATED BY BRYNN BODAIR |
APRIL 2019

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● ●
THANK YOU.

TO MY ADVISORS...
DR. JANIE STECKENRIDER
DR. ANDREW DILTS
PROFESSOR ROZ LE BLANC LOO
DR. TERESA HIGHLAND
DEPT. CHAIR DAMON RAGO

TO MY BEAUTIFUL
DANCERS...



CULTIVATING ● ● ● ● ●
HUMANIZING LEGAL RHETORIC THROUGH DANCE PERFORMANCE
COMPASSION ● ● ● ● ●

“His Party” A Short Film

The short film may be accessed through this private link:

<https://vimeo.com/328883721/da81eb0773>

“His Party” is a short film that I produced, directed, wrote, choreographed and styled. As a screenwriting minor and Research Fellow of the School of Film and Television of Loyola Marymount University, I have been exposed to film production and have been writing scripts over the last four years. While presenting this work at Harvard’s NCRC conference, I was asked whether this project would have the ability for widespread dispersion. Pondering this question, I decided that while the forty-five minute live performance would not be edited down or shared online, (a decision made to honor the experience of live performance), I found this as an opportune time to utilize my knowledge in the field of film and television, as well as collaborate with and direct other artists. For this short film, I worked with a Director of Photography, Logan Williams, who has studied historical film making techniques specific to the 1950’s and 1960’s time period reflected in Section One. Additionally, I chose editor Maddy Schwartz to assist in the post-production visual and sound editing.

This short film draws upon choreography from Section One and Second Two so that it may communicate the theme of Romantic Paternalism from Section One, as well as communicate the idea of Political Oppression by making use of the box solo and low level constrictions from Section Two. The film lends to the theme of isolation prevalent in both the decision to ignore ensemble work in the beginning of Section One and the choice to light the women in still, spot lights. In the film, each woman is constrained to a particular area of the household. When trying to move from their spatially confined locations, they are using effortful

movements in the lower level. In the case of the film, this effort brings this group of women to remain beneath the table set in the house. The women never sit at the table nor do they travel to a quadrant of space above the table, implying that they are removed from the table, or a common place for discussion, negotiation, or an equal share of knowledge. The only person allowed in the highest level of the space is the dancer who is projecting a masculine, controlling energy that is represented by her costuming and commanding use of gesture. Rather than divide space both diagonally and vertically to clearly depict the divisions of the visual world, as done in Section Two, this film relies on the viewer's personal, symbolic interpretation of the table in relation to the women and the film's antagonist. Additionally, this does not explore the women in the "public realm," as does Section Two, but rather places the women in the "private realm," in this case a secluded, household environment. In this setting, we are able to witness with the use of set decoration and prop, the mundane household tasks limiting the private realm instead of relying solely on the energetic elements of the choreography in the live performance to create tension.

The costuming and music worked hand in hand throughout the film to create a contrasting irony between the dancers' actions and the atmosphere of the world. For example, the purposefully made vibrant colors of the set, as well as the pristine, colorful dresses attempted to make a beautiful world in which the depression and angst of the women seems unfitting. To further allow for this disturbing, seemingly odd behavior of the women to stand out in contrast to the world, a cheery, somewhat jeering, orchestrated piece of 1950's music, "High Heels" by Trevor Duncan, was used. The score intended to further highlight the juxtaposition of the anguish filled behavior of the women and the seemingly, rose-colored world in which they reside. The record-vinyl static that is played prior to the music, as well as at the end of the film

intends to both introduce the time period audibly and contrast the cheery music to match the intensity of the antagonist who is introduced at the beginning, and is victorious in the end. Here, I have inserted the written, action- lined, script for the short film:

His Party

Brynn Bodair

Cultivating Compassion: Humanizing Legal Rhetoric
Through Dance Performance

bbodair@lion.lmu.edu
412-266-2488

INT.-1950'S LOFT-DAY

A scratching of vinyl sounds aloud. A metronome begins to track time.

Madeline holds a stationary card reading "His Party." She sits on the chair beside the table, leaning onto the table with the card resting in front of her face.

Monica places the tea kettle on the stove.

Brynn examines herself in the mirror.

Reagan runs her finger along the spines of the books delicately lining the bookshelf.

Sarah listens to the receiver end of the phone.

The music begins.

Tracking: Sarah writhes on the living room floor.

Tracking: Brynn is slouched over the desk so that the wood uncomfortably forces into her abdomen.

Tracking: Reagan crawls from the floor to place her legs on the bed, so that her upper body hangs off of the bed and her head gently brushes the floor.

Tracking: Monica hangs, by her elbows, from the kitchen countertops. Her feet slide from beneath her as she attempts to regain stability.

Tracking: Halie crawls through across the living room rug- her eyes are set on the table. Using her arm strength, she attempts to climb from the floor onto the table. However, her arms give out and she is unable to complete the task.

Tracking: Halie is physically crumpled beneath the table. Her eyes point upwards.

Tracking: Madeline's blazer hangs from the dining room chair.

Tracking: Haley and Eva rest on their stomach in the corridor outside the dining room. They restlessly flip from their stomachs to their backs tracing patterns on the floor. Hayley performs choreography- she is sluggish. Eva performs slow, bound movements.

2.

Sarah dances emitting sensations of pain and physical fatigue throughout her movement. She is looking through the mirror, dancing in front of the liquor tray.

Madeline performs in an authoritarian fashion, slowly standing on the chairs surrounding the table.

Brynn dances. Her movement is limited by her confinement to the desk. She is stuck to the desk, and constantly returns to her seat between her attempted break away moments.

Madeline sits at the table, participating in a movement informed dialogue with herself.

Reagan dances on the couches, with a powerful and willful demeanor. While she still shows signs of physical struggle, there is a sense of determination and focus that is evident.

Madeline stands on top of the table, moving as if she is a presidential candidate in the heat of a battling speech.

Monica sweetly moves throughout the kitchen. She begins dancing with a sickening beauty that spirals into a cruel physical break-down, hinting to a force of manipulation in control of her body. She hangs from the kitchen counters by her elbows.

Monica sits on the kitchen countertop, hugging her knees into her chest as she stares at the table.

Haley and Eva travel on the floor with their repetitive, strenuous and sneaking movements pointed towards the table.

Halie uses her movement in a final attempt to reach a stable stance on the top of the table. She gains a solid standing position, but, ultimately falls from the top of the table.

Madeline sits at the dining room table, occupying space with her legs spread.

The women writhe collectively, however, still without noticing one another, in the living room. This image is repeated in the office area, bedroom, and kitchen, as their bodies slew across the floor, eventually fatiguing from their efforts.

Madeline stands on the dining room table in a looming position while the women rest, slouched over one another in a heap of colored dresses beneath the table.

3.

Tight Zoom-Zoom out.

After writing this script⁸³, I reviewed the choreography for each action line with the dancers and discussed shot ideas with the director of photography. I styled the dancers in the costuming of Section One and added more detail in their makeup, hair styling and accessorizing. Using this script, I developed a personal shot list from which I was able to succinctly direct each shot. This detailed shot list assisted me in promptly directing the production to be ahead of schedule. This time management allowed for additional, creative shots to be composed in the moment. After the production of the short film, I utilized this script in making post-production editing decisions with the film's editor. Below, I have attached the original shot list:

Time	Dancer	Location	Shot	Set Up	Description	Dancer Notes
6:30	Monica	Kitchen Wall		1 a	Voyeuristic/Moving Subtly with Monica/Romantic	Domestic Activity, Movement, Writhing
6:45	Monica	Kitchen Wall-Table		2 b	Low level	CRAWLING TO TABLE
7:00	Madeline	Table		3 c	Over the shoulder Madeline holding Invite	Madeline holds card
7:15	Madeline	Table		4 d	CLOSE ON: Madeline tapping her pen	Madeline taps her pen
7:20	Madeline	Table		d	CLOSE ON: Madeline setting pen down beside invite (for ending)	
7:30	Madeline	Table		e	CLOSE ON CHAIR: Madeline draping trench coat over chair	
7:45	Madeline	Table		5 f	Title Sequence - Pull to Reveal Madeline holding card	Madeline holds card
7:55	Madeline	Table		6 f	Under Madeline/Demonstrating Power	Madeline tutting movement on table
8:20	Brynn	Desk		7 g	Voyeuristic/Moving Subtly with Brynn	Domestic Activity, Movement, Writhing
8:35	Ensemble	Table		8 h	Level change to reveal dancers under table	Writhing under table, Madeline at table
8:45	Ensemble	Floor-Table		9 i	Low level	EVERYONE CRAWLING
9:00	Sarah	Living Room Floor		10 j	Voyeuristic/Moving Subtly with Brynn	Domestic Activity, Movement, Writhing
9:15	Sarah	Living Room Floor - Table		11 k	Low level	CRAWLING TO TABLE
9:25	Reagan	Couch		12 l	Moving with Reagan (there are many level changes)	Domestic Activity, Movement, Writhing
9:45	Reagan	Couch-Table		13 m	Low level	CRAWLING TO TABLE
10:10	Haley & Eva	Carpet Floor		14 n	Moving with Haley & Eva	Domestic Activity, Movement, Writhing
10:30	Halie D.	Kitchen Table		15 o	CLOSE SHOT - Halie's eyes scanning room	
10:40	Halie D.	Kitchen Table		16 p	Voyeuristic/Moving Subtly with Halie	Domestic Activity, Movement, Writhing
10:55	Halie D.	Kitchen Table		17 q	Overhead shot (demonstrating weakness)	Halie struggling to sit at table
11:00	Halie D.	Floor-Table		18 r	Low level	CRAWLING TO TABLE
WRAP						

⁸³ This script was written using screenwriting software, Celtx.

Currently, this film is accessible by private link. This will remain the only viewing option for the film until film festival submissions for 2019, both internationally and nationally, are fulfilled. Festival submissions will be beneficial to this artistic extension of the project for, if accepted, this film will be premiered in theatres throughout Europe, as well as throughout the United States. Furthermore, the festival setting will allow for experimental and dance film experts to give critical feedback on this portion of the project.

Conclusion

In conclusion, I would like to take a moment and reflect on the experience of both sharing and performing this artistically minded project. I was extremely grateful for the overwhelming amount of unsolicited positive feedback. One dance professional, Maureen Gonzalez told me, “I couldn’t move after seeing that- I just had to sit in my chair and take it all in... I was crying... I need to see it again.”⁸⁴ Sentiments similar to this were expressed by professors of dance, colleagues, and persons of the non-dance community who came and witnessed this year-length culmination of artistic work. To offer an example of one’s individual experience, I would like to share a review of the Cultivating Compassion performance written by dance academic, choreographer, and critic, Dr. Teresa Heiland:

⁸⁴ Collected in personal correspondence with dance professional Maureen Gonzales.

Comments by Teresa Heiland

I was pulled into another time and as a woman, I realized nothing really has changed, or has it? While choreographer Brynn Bodair was focusing on the US Supreme Court case *Frontiero v Richardson* (1973), in the dance theatre Bodair took the audience back into the roots of 1950s sexism revealing mistrust of women in the workplace and in the world in *Cultivating Compassion*. Her multilayered project used film, photography, audio files, dancers, emotive mime-like leaders, restrictive props, and vintage-like dresses putting women in their places. Those places ranged from awkward compromising positions, to wrestler-like, muscled progressions traveling on the low level, to a soapbox where a madman—or was he a mad woMan—had control of all the women.

My Shoe is Your Shoe juxtaposed popular songs about being a girl, about being pretty for boys, about being a good wife. The dancers, wearing 1950s party dresses, moved in every which way that finishing schools would find disturbing. The dance was about breaking the rules and setting new boundaries, most often upside down, twisted inside out, and with chutzpa. The final section of this five-part dance will forever be in my memory. Halie Donabedian dances with, for, under, around, against, and over a table, the table that represents her new job, her boss, her glass ceiling, her sarcasm, her willingness, her power, all the while being a slave to it and the interviewer on the audio projection who belittles her repeatedly with inane questions about whether or not a woman can do the job.

His Party was profound, disturbing, chaotic, sublime, and so satisfying. The woMan on the soapbox conducting all the women was articulately crazy, with a character so clearly controlling and yet out of control, up on a box, and yet so trapped up there, and so unenlightened, stuck, repetitive, caught. A lithe, muscled, sinewy athletic woman, Reagan Ricossa, wanted desperately to shift from one place to another, and amid restriction managed to travel, carve, flip, meld, demand a path in that space. She repeated and repeated her trajectory, changing her method of approach each time to ensure success through exploration and repetition. The point seemed to be, “What woman hasn’t had to do something 25 different ways in order to gain access to what she wants?” Finally Ricossa is joined by Stanley, the only other woman to find success, but they still remain on the low level, crawling to get what they want. It was desperate, made me angry, and I knew what they were feeling. *His Party*, the dance, the choreographer, the dancers knew I had been to *his party* many times.

After all the struggles in perfect party dresses, moving across difficult terrain, and under the thumb of various disturbing forces, Immutability took us into a terrain of natural, human, sensitivity with a fullness of breath, touch, and humanness. While everyone was female, the dance dealt with somatic being, senses, breath, touch, being human together, no rushing, no pushing, no crazed energies, just being skin to skin, being reborn after having visiting decades of gender mistrust and lack of liberties of spirit and mind.

This dance reminded me of an important point. This battle for equal rights, equal pay, equal voice in society is just as present today as it was in 1950, and this is why Bodair is dancing about politics through art. Sometimes we talk until we are blue in the face and we tire of the lack of change, so we have to create art about it that lets us speak and feel and share. Bodair invited us to speak, to feel, and to share. I was very proud of her and her process and the outcomes of her work, and she empowered me with this work.

Thank you for such a delightful expression of empowerment. I will never forget this experience.

Individual feedback, like this, plays an important role in the artistic process for the subjectivity of artwork makes the singular experience varied from other viewers. The participating dancers, too, were moved with emotion. In particular, the second section soloists, both the dancer constricted to the lower level as well as the dancer performing on the box expressed their deep commitment to the work through having emotional outbreaks on stage. While the former shed a tear through the duration of her solo, the latter expressed the physical anguish and deep commitment to character by finishing her movement with escaping verbal remarks such as, “greedy”, “I want it”, and “it’s mine” while ending her characterization as a controlling, male energy. These moments of personal exchange between participants, viewers, and myself are sacred for they assisted in my personal assessment of how this work may be received by a variety of communities including, academics, dancers, and non-dancers. In the future, I hope to present this work in theatres outside of the state of California, and experience the ways in which it is received throughout the United States. Furthermore, I am curious to see how this work may impact international audiences and inquire whether they experience similar catharsis to American audiences, given that this work inspired by legal rhetoric particular to The United States.

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